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THE PARTITION OF THE PUNJAB
1947

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THE PARTITION OF THE PUNJAB 1947

A COMPILATION OF OFFICIAL DOCUMENTS

VOL. II

NATIONAL DOCUMENTATION CENTRE LAHORE

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PREFACE

The present Volume being the second in the series, is a verbatim reproduction of the record of the Punjab Boundary Commission's regular proceedings including the arguments presented on behalf of the main parties, namely, the Muslim League, the Indian National Congress and the Sikhs. Additionally, it contains the cases presented by other communities such as the Scheduled Castes, the Christians, the Anglo-Indians and the Mazhabi Sikhs. Appendices to this Volume contain various statements, explanatory notes, lists and analyses produced by the counsel representing various parties during the hearings.

The proceedings were held at Lahore for ten days from 21 to 31 July 1947 (Sunday, the 27 July being a weekly holiday) in the High Court building. Justice Din Muhammad presided over all the sessions. Sir Cyril Radcliffe, Chairman of the Commission, had proposed that in his absence Justice Din Muhammad and Justice Mehr Chand Mahajan should preside over the meetings of the Commission alternately. Justice Mahajan, however, suggested that the seniormost judge, Justice Din Muhammad, should preside in the absence of the Chairman. His proposal was adopted by the Commission[1]. Radcliffe himself did not attend any session. Arrangements had been made to have the record of the proceedings flown to New Delhi for the Chairman's perusal.

Leading counsel for the main parties were Sir Muhammad Zafrullah Khan for the Muslim League, Mr. M. C. Setalvad, especially selected by Nehru to present the Congress case and Sardar Harnam Singh, Advocate who argued on behalf of the Sikhs (Sikh Assembly Party). Sir Zafrullah Khan was assisted by four lawyers from the Punjab, who voluntarily placed themselves at his disposal for the preparation of the Muslim League case. They were Sahibzada Nawazish Ali, Sheikh Nisar Ahmad, Syed Muhammad Shah and Chaudhri Ali Akbar[2]. Tek Chand, a former

[1] Mehr Chand Mahajan, *Looking Back* (Bombay: Asia Publishing House, 1963), p. 112.
[2] Muhammad Zafrullah Khan, *Tahdith-i-Ni'mat* (Lahore: 1982), p. 515.

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Judge of the Lahore High Court and Narotam Singh, Advocate, assisted Mr. Setalvad. In addition, the following counsel presented the cases of their respective communities or interests :

1 Mr. Bannerji, Secretary, Punjab Nationalist Christian Association

2 Rai Bahadur Badri Dass, Counsel representing the Scheduled Castes

3 Sardar Darbara Singh, Counsel representing the Mazhabi and Ramdasia Sikhs

4 Mr. R. C. Soni, Counsel for Bikaner State

5 Dewan Bahadur S. P. Singha, Advocate, on behalf of the Christians (Joint Christian Board)

6 Mr. C. E. Gibbon, representing the Anglo-Indian community

7 Sheikh Bashir Ahmad, Advocate, representing the Ahmadiyya community

8 Mr. Salig Ram, representing the Scheduled Castes and Mazhabi Sikhs and

9 Sir Muhammad Zafrullah Khan, Counsel for Bahawalpur State.

In response to the Commission's invitation, forty-nine memoranda or representations were received from various parties or organizations within the stipulated time[3]. Only eleven of these were argued by the counsel representing their respective interests.

Full proceedings of the Commission's public sittings spread over ten days are being published in this Volume, including the arguments presented by the counsel and interventions made by the members of the Commission or the counsel of various parties. Barring the rubrics added by the Editors to mark the beginning of arguments in each case, the proceedings have been reproduced faithfully from the original record preserved in the Punjab Archives.

Although contiguous majority areas of Muslims or non-Muslims was to be the major consideration in the demarcation of

[3] Vol. I (of this series), pp. 474–7.

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the boundary, the introduction of 'other factors' in the Commission's terms of reference considerably broadened the scope of the debate, which did not leave any historical, geographical, religious, social or economic aspect of the Punjab untouched. The proceedings thus present a fascinating study of the Punjab, its people, land, mountains and rivers, the implications of its rail and road communications, the network of canals, electric power transmission, ownership and colonization of lands and the development of its trade and industry. In the memoranda submitted and the arguments presented each contesting party put up a formidable array of material relating to the history, religion and culture of the area and the contribution that each community had made to the development of the Province. This Volume has thus become a veritable storehouse of information relating to the pre-independence Punjab.

During the course of arguments frequent references were made by rival organizations to events which allegedly took place in history. These references project their own view and interpretation of those events. The Editors have made no attempt to point out any historical inaccuracies or misstatements.

A number of maps were also presented by each of the main parties in elucidation of their claims. Only the most important of these maps could be published and they appear together in Volume IV.

The requisite biographical information about persons whose names appear in this Volume has been given, wherever necessary, in the 'Index of Persons'.

A glossary of vernacular and oriental terms appearing in the text in italics has been added. However, terms of Indian or oriental origin which have been incorporated in standard English dictionaries have been excluded. Latin terms which are now in general use in English have not been italicised.

Footnotes in italics preceded by Arabic numerals in small print have been added by the Editors; other notes indicated with asterisk marks or other signs have been reproduced from the original documents.

Editors

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ABBREVIATIONS

A. I. M. L.	All India Muslim League
B. B. & C. I. Railway	Bombay, Baroda and Central India Railway
B. N. Railway	Bengal Nagpur Railway
C. I. E.	Companion (of the Order) of the Indian Empire
C. P.	Central Provinces
E. I. Railway	East Indian Railway
Ft.-Lt.	Flight-Lieutenant
G. I. P. Railway	Great Indian Peninsula Railway
H. M. G.	His/Her Majesty's Government
I. C. S.	Indian Civil Service
Kt.	Knight
M. L. A.	Member, Legislative Assembly
M. V. O.	Member of the Royal Victorian Order
N. W. R.	North Western Railway
P. W. D.	Public Works Department
S. B.	Sardar Bahadur
U. P.	United Provinces
Y. M. C. A.	Young Men's Christian Association
Y. W. C. A.	Young Women's Christian Association

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PROCEEDINGS
21—31 JULY 1947

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I

21 JULY 1947

(The Commission commenced its hearings in the High Court buildings at Lahore, on Monday, 21 July 1947 at 10.10 am.)[1]

ARGUMENTS OF THE INDIAN NATIONAL CONGRESS

MR. M.C. SETALVAD: May it please the members of the Boundary Commission. If I may venture to say so, the task assigned to you is one of great complexity and of grave importance. Your conclusions will touch, it is no exaggeration to say, almost every citizen of the Punjab, and, every peasant in the province. The Punjab has so far been one administrative unit, built up as a result of common effort and common endeavour. The decision has now been reached that this entire unit has to be divided. This division must mean a change to most persons in their economic, social and cultural life, and, if I may so submit, it is your function, acting within the terms of your reference, to so demarcate the line of division that this change may be as small as possible and that the division which will be made may affect the social, economic and cultural ties to as little a degree as possible. I submit that the decision which should emerge as a result of your labours should be the Punjab divided into two parts, each part economically stable, peaceful and contented.

I may, at this stage, draw attention to a peculiar feature of these proceedings which, I think, places those who have the privilege of addressing you, at a great disadvantage. I am referring to the absence of the Chairman of the Commission. According to the new Parliamentary Act, it is he who has the decisive voice in

[1] *Earlier the Commission had held four preliminary procedural meetings on 5, 14, 15 and 18 July 1947 respectively in the Punjab Assembly buildings; see Vol. I, pp.107, 167, 172 and 179.*

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arriving at a conclusion. Speaking for myself, I think, it is unfortunate, probably unavoidable in the circumstances, but still unfortunate that though we have the privilege of addressing you, we will not have the opportunity of addressing the person who has the decisive voice. However, we can only do our best in the circumstances. But, I do think that apart from the disadvantage in which we are placed, it imposes on you, if I may respectfully say so, a great burden and a greater responsibility.

With these introductory remarks, I pass on to deal with what is, I think, the most vital thing in these proceedings—the ascertainment of the scope of the terms of your reference— because on it will depend a great deal, the scope of your inquiry and it will affect in a great measure the conclusions which may be arrived at. Now the scope of this inquiry by you is to be found mainly, I submit, in two State documents. The first is a Statement by His Majesty's Government, dated the 3rd June 1947[1] and the second the actual terms of reference[2] which I believe are dated the 1st July 1947[3]. These two documents really form one integral whole. One lays down how the Boundary Commission will be appointed and the other lays down the terms of reference. I will draw attention immediately to these two documents.

Paragraph 9 of the Statement of 3rd June[1] relates to this matter and this is how it is worded, if I may read it out :

> For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these provinces, a detailed investigation of the boundary question will be needed ...

I emphasise two parts of this announcement: first, the division to be found in the Appendix to the Statement, what has been

[1] *Vol. I, p. 4.*
[2] *Ibid., p. 80, para 3.*
[3] *Government of India's Notification No. D. 50/7/47/R containing the Governor-General's Announcement on the constitution of the Boundary Commissions and their terms of reference was actually dated 30 June 1947.*

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called the provisional division, sometimes the notional division and so on. This is a step purely of a preliminary nature and only for the purposes of ascertaining the wishes of the two parts of the Punjab as to whether there should or should not be a partition. Once that has been decided—and that has been decided already—that division is out of the way and is not to weigh in the least with this Commission in arriving at their conclusions. That division was for a specific purpose which purpose has been now served and accomplished and it no longer remains of any practical consequence or effect. Then I go on. The next part relates to the Boundary Commission. The Commission was intended to have a detailed investigation of boundary questions. The Statement says that "a detailed investigation of boundary questions will be needed" and my submission will be that it is one of your functions to enter into a detailed investigation of what this Statement terms "boundary questions". The Statement goes on :

> and, as soon as a decision involving partition has been taken for either province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed—*(and this is a material part of it)*[1]—to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors *(and this again is a material part of the Statement).*[1]

It will be noticed that the Boundary Commission is to have two sets of instructions. One set of instructions is to demarcate the boundaries on the basis of ascertaining the contiguous majority areas of either kind. That is one set of instructions. "It will also be instructed"—and that is the second set of instructions—"to take into account other factors", so that the reference or the intended reference at that stage was based on these two sets of instructions—instructions which require you to consider what are majority contiguous areas and instructions which require you to consider other factors.

I now proceed to consider the actual terms of reference which

[1] *Italicised expression within parenthesis is a comment by Mr. Setalvad.*

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are very brief and which reproduce really a part of the announcement of the 3rd June. These are the brief terms :

> The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors[1].

You will notice, sir, that the terms of reference, really coincide with the terms stated in the Announcement of the 3rd June. Looking at the terms of reference, read alongside with the document of the 3rd June, the necessary consequence and result is that you have to fix the boundaries or, to be exact, to demarcate the boundaries taking into consideration various factors. The first factor mentioned is the contiguity of Muslim and non-Muslim majority areas. Then it goes on to say, you will also take into account other factors and these "other factors" have advisedly not been defined by those who appointed you. I say 'advisedly' for the reason that the principles which enter into the demarcation of boundaries are numerous and must depend on the particular circumstances of each case. They may differ from area to area and between parts of the boundary line and from one part to another part. It is not possible therefore to define these factors. That being the position, the factors have been left at large and undefined. Nevertheless, they are factors which you have to take into account as much as the factor of majority populations of either kind.

MR. JUSTICE MUHAMMAD MUNIR: What is the force of the word"ascertaining"? Is not the word "ascertaining" superfluous or does it have any significance?

Mr. SETALVAD: It has this significance. You have to ascertain what is mentioned first there—"the contiguous majority areas of Muslims and non-Mulims". I do not mind answering questions, but the time at my disposal is very limited.

SIR MUHAMMAD ZAFRULLAH KHAN: I am aware of the strict division of time between the parties and I have no desire at any time to interrupt Mr. Setalvad's submissions to the Commission. But I do want to submit that at least certain factors have been expressly excluded from the consideration[2] of the Commission as

[1] *Vol. I, p. 80, para. 3.*

[2] *'considerations' in the original record.*

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well as from the terms of reference by the Viceroy in his press conference on 4th June; *(Interruption by Mr. Setalvad)*—I have not the least doubt that[1] Mr. Setalvad will let me finish my sentence—these have been expressly excluded from the thesis.

MR. JUSTICE DIN MUHAMMAD: That is a misprint. The word is "basis" and not "thesis."

SIR MUHAMMAD ZAFRULLAH KHAN: "On the basis of landed property"—this was the statement which was made in explanation of the document of the 3rd June. The terms of reference were framed and were agreed to by the parties on the basis of that explanation. The only submission I make at this stage—I am not going to argue the point—is that so far as we are concerned, we do not admit this interpretation and we submit that all factors based upon this consideration are irrelevant and they should be ruled out. In any case, if the Commission are disposed to allow the arguments based on this consideration, then my protest may be recorded.

MR. JUSTICE DIN MUHAMMAD: Sir Zafrullah, your objection will be recorded. But I wish to make it clear at this stage that, considering that the occasion is unique and the issues before us, as pointed out by Mr. Setalvad, are most momentous, affecting, as they do, the destinies not of communities but of all nations for all time to come, it is our intention to allow the fullest possible latitude to all the parties concerned to impress us on any matter that they consider material for the purposes of their case. We consequently will not allow any interruption to any speaker during the course of his speech. But let me assure you that this question of relevancy will receive our best consideration at the time when we consider together to formulate our final award.

MR. SETALVAD: Proceeding where I left off when I was interrupted, I was dealing with the actual terms of reference and the submission that I was making was that what you have been charged with is, to use the expression used in the terms of reference, the ascertaining of these majority areas. But that does not finish your task; that is not the whole of your task; that is not solely your task. Your task goes much further. Your task extends also to taking into account certain considerations in the process of demarcating. In demarcating the boundary line the Commission

[1] *'but' in the original record.*

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will take into consideration, take into account other factors. I submit that there is no warrant for stating that "other factors" have a subsidiary place, nor is there any warrant for stating that the "other factors" are such as may result in what is being termed "local deviations only". There is no warrant for such an interpretation.

The terms of reference, if I may try to make myself clear, contemplate the demarcation of boundaries. In going through that process you have to ascertain the majority areas. In the course of the same process you have to consider 'other factors'. It is as a result of the consideration which you give to the matter, that you demarcate the boundary line. It stands very much to reason that if it is a matter merely of ascertaining the contiguous majority areas, the work need not have been assigned to a Commission of this weight and importance; in that case a map could be drawn by having the census figures on the one hand and any Deputy Commissioner could have drawn the line on the basis of contiguous majority areas . But that was not and cannot be the intention. When you are demarcating the boundaries, you have to remember, sir, that you are demarcating the boundaries not of two parts of the Province—and this is material at this stage—but the boundaries between two, may be, independent sovereign states and it is precisely because of that reason that the matter has been left entirely to you. So far as you are concerned, you will consider the majority factor—the population factor it has been called—but having regard to the nature of the boundary to be drawn, you have also to consider various other factors which may be material and the determination of which is left entirely to your discretion. When one is dealing with boundaries dividing two sovereign states, various considerations arise which may not arise when one is demarcating boundaries of two provinces inside the same state. The question of demarcating boundaries between two sovereign states involves considerations such as a suitable frontier line, a line suitable for defence, a line which will not create trouble between two contiguous states and so on and so forth. I will deal with this matter at a later stage in greater detail.

Those, I submit, are the two main documents which define the scope of your inquiry. If the matter rested in a court of law interpreting a statute, probably I would not be permitted to go

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further and refer to other documents to show the scope of the terms of reference. But this is not a court of law. It is a Boundary Commission; and a Boundary Commission is really a political body defining the boundaries of two states. It is entitled to consider statements made by persons in high authority from time to time with regard to the scope of the inquiry. It is in that light that I draw your attention to other documents which are also germane to the scope of the inquiry before you. The first document to which attention may be drawn is the broadcast of His Excellency the Viceroy[1]. I will refer to some parts of that broadcast. That is dated 3rd of June, 1947, and I will read it to you:

> It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted[2].

Then His Excellency speaks in his broadcast with regard to the position of the Sikhs:

> We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission, on which they will, of course, be represented[2].

This is the statement. It shows that one of the factors which will call for your consideration is the factor of making the Sikh split as little as it may be possible in the circumstances. It is one of the considerations which will have to weigh with you.

[1] *Vol. I, p. 1.*
[2] *Ibid., p. 2.*

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Then, there was a press conference held by His Excellency the Viceroy on the 4th of June, 1947[1], to which my learned friend is anxious to refer. I will read to you the material parts of that press conference also[2]:

Q. In your broadcast yesterday you had said the ultimate boundaries of the partitioned provinces would be "almost certainly not identical" with those which have been provisionally adopted. Why?

A. For the simple reason that in the district of Gurdaspur in the Punjab, the population ratio is 50.4 per cent Muslims and 49.6 per cent non-Muslims. The difference is 0.8 per cent. You will see at once it is unlikely the Boundary Commission will place the whole of the district in the Muslim majority area. Similarly, in a district in Bengal, the reverse is the case ... I do not want inhabitants of those districts to assume it as a foregone conclusion that they would be going into an area in which their community is not in a majority.

Now, these are the indications, if any indications are to be derived from such statements, in regard to the scope of your inquiry. It is a matter for you to determine as to how far you will allow the construction of the terms of reference to be influenced by the statements of His Excellency the Viceroy. But if they are to have any influence, then they clearly indicate, as I have been submitting, that it is not a question merely of a majority of a particular kind one way or the other, but it is a question further of other factors taken into consideration; because His Excellency the Viceroy states that there is a small majority according to the figures which he had before him. This small majority, however, cannot dispose of the matter; but other matters have to be considered.

Then a further question was put to His Excellency:

Q. Do you foresee any mass transfer of population?

A. Personally I don't see it. There are many physical and

[1] *Vol. I, p. 17.*

[2] *The following quotation is from the Daily Statesman's version (Delhi, 5 June 1947) of the Viceroy's Press Conference; see Vol. I, pp. 136-137.*

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> practical difficulties involved. Some measure of transfer will come about in a natural way. That is to say, I have a feeling that people who have just crossed the boundary will transfer themselves. Perhaps Governments will take steps to transfer populations. Once more, this is a matter not so much for the main parties as for the local authorities living in the border areas to decide[1].

The only materiality of this may be in reference to one element which you will notice later and which will call for consideration at your hands. That element is the possibility of influx and interchange of population. I do not suggest for a moment that it is your function or part of your function to entertain any proposals or put forward any proposals regarding the exchange of population; but I do submit that it is for this Commission to visualise, having regard to the circumstances, the possible exchange of population or possible migration from one part of the province to the other and to consider it as one of the factors in demarcating the boundaries.

Finally comes the question of landed property. That is how it is put:

> Answering another question the Viceroy said His Majesty's Government could hardly be expected to subscribe to partition on the basis of landed property. Not at all events, this British Government. *(Laughter).* I think the question must, therefore, be left to the Indians[1].

Here again, I submit that in so far as it does enter into consideration, it is only an expression of His Excellency's views as to what His Majesty's Government would be expected to subscribe to and particularly the present Government of His Majesty in Great Britain, and it is nothing more. I wish to submit that, as it should be, it is the function of this Boundary Commission to take into account all legitimate factors when considering the question of fixing the boundary. The statement in regard to the basis of landed property that was made by His Excellency in no way fetters your discretion.

[1] *Vol. I, p. 137.*

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Now that leaves only one more document to be called attention to and that is the speech made by the Under-Secretary of State for India in the House of Commons on the 14th July, 1947. That is very material because it categorically deals with the terms of reference of this Commission. This is a report which I have from the *Tribune*, dated the 16 July[1]. It says :

> Mr. A. Henderson said: I admit that the terms of reference of the Boundary Commission are not very precise and, from that point of view, perhaps not so satisfactory, as they might be. But they had the merit of being based on the agreement of the Indian leaders of the major parties.

Then he repeats the actual terms and functions of the Boundary Commission and is reported to have stated as follows :

> The function of the Commission was to demarcate boundaries between two parts on the basis of the ascertained contiguous majority areas of Muslims and non-Muslims. The Commission would also take account of other factors. That surely must mean that the primary basis was to be whether the majority was Muslim or non-Muslim, but in certain cases there might be special factors which would justify departure from this principle.

You are, of course, at liberty to arrive at your own interpretation of the terms of reference. Mr. Henderson's interpretation is that the primary factor is the factor of population but other factors also may be taken into consideration. The words used are "justify departure from this principle". Then he goes on :

> These special factors were being allowed to take account of the circumstances of the Sikh community in the Punjab, so that the location of their religious shrines could be taken into account.

He went on insisting that the other factors may justify departure from the population principle. Thus he further says :

[1] *Not available to the editors; a full report on Mr. Henderson's speech delivered in the House of Commons was, however, carried also by the* Daily Statesman, *(Delhi, 15 July 1947); see Vol. I, p. 481. The Statesman's version is materially identical with the one quoted here from the original record.*

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It was for the Commission to decide how much importance it should attach to any of these factors[1].

So the position is really this, as I began by saying on the true construction of these terms of reference, that one factor has been definitely mentioned and other factors are not mentioned. Those other factors are left entirely to your discretion in two ways. *First*, it is for you to decide which other factors you will take into consideration. That is a matter entirely for you to decide. *Secondly*, having taken a factor into consideration, it is for you to decide whether that factor is going to outweigh other factors in demarcating the boundaries. That again is a matter entirely in your discretion. There are other factors to be considered. It is for you to say what those factors are and how far they should override the population factor. That really is the basis of the construction I am submitting.

As far as I know, these are the main documents which call for attention at your hands. What you are charged with is to draw a line of demarcation between these two states, bearing in mind the relevant factors. I may also submit that apart from the documents to which I have drawn attention, it is not permissible to you to refer to what has happened in the political field and which has led to the appointment of this Commission and to the statement of His Majesty's Government of the 3rd June[2]. If one enters into the field of the political controversy which led to the statement and the appointment of the Boundary Commission, one would find himself */sic/* amongst conflicting statements which are very controversial in character. My submission therefore is that these statements are not relevant to the determination of the scope of this inquiry.

After having referred to this, I will proceed to call your attention to the physical features of the province. These are of very great importance in dealing with the question which you are going to decide. The first physical feature to which I would like to draw your attention is the river system of the province. The Punjab is a land of rivers and of the canal system based on these

[1] *For an authoritative version of the relevant passage from Mr. Henderson's speech, as telegraphed by the Secretary of State to the Viceroy on 16 July 1947, see Vol. I, p. 176.*

[2] *Vol. I, p. 4.*

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rivers and also of colonies developed by these irrigation systems. These rivers, canals and the colonies are the natural wealth of the province. It is on these that the prosperity of the province mainly depends. It will be noticed that these rivers and canals divide the province, as it were, into well defined areas. They are known as *Doabas* or the lands between two rivers. The irrigation system has divided the province, as it were, into distinct areas, for example, you have got the Upper Bari Doab Canal which irrigates a well defined area. Then you have the Lower Bari Doab Canal and the Lower Chenab Canal and the Upper Chenab Canal, which in their turn irrigate well defined areas. I have placed these four canals in the forefront because they run through the areas which probably form the main field of controversy. Of course, there are other canals on the west, canals of the river Jhelum which will not enter into the picture of controversy because they are on the extreme west. Similarly, there are certain old canals on the east, the Jumna Canal and the Sirhind Canal which may not come into controversy very prominently but to which references might be made as there are certain areas in the east also which are controversial. However, the point at the moment which I wish to emphasise is this: You are dealing with a country which owes its entire wealth to river waters and any distribution or division of this country which does not take into account these material factors will not be an equitable division of the province. The importance of this canal system is that all these canals have been constructed for the benefit of the province as a whole and this fact is borne out by resolutions and official publications which make it clear that the prosperity of the province as a whole has been built up on these canals and rivers. The point which I wish to emphasise is that these rivers and canals are a common asset of the province. This fact becomes all the more apparent if we take into account the history behind these canals and colonies. It is shown by official documents that all these colony areas were largely and for the most part developed by the inhabitants of the eastern and central districts and that these colony areas both rural and urban owe their development and consequent prosperity to those immigrants. Those areas, as you are well aware, were at one time desert areas and were very sparsely populated and it was due mainly to the efforts of those immigrants that they became fertile tracts and at present are probably the best lands in the province.

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One more fact may well be mentioned as it is correlated to the feature which I have just described and that is the existence of what are called "Crown lands" in colony areas. These consist of what are called temporary leased and unallotted lands. They cover an extent of about 16 lakhs of acres in round figures. These are situated in colony areas and, as I have said, are a most valuable asset of the province, valuable in the sense of settled colonies and valuable in the further sense of producing a large amount of revenue either by sale of land or otherwise as revenue producing units. I have been using the expression 'assets' but I do not wish to be understood that I am asking this Commission to enter into any question of the distribution of assets. My reason in referring to these colony areas is to emphasise that these, being parts of the province built up by emigrants from central and eastern portions, on a fair division of the province, along with other factors, is*[sic]* a factor to be taken into consideration in the marking of the boundary line. I may give an illustration. Suppose the eastern part to be a greatly congested part. In fact, the history of colonisation of these areas shows that it is because the eastern part is congested that emigrants went from time to time into the colony areas. One of the factors for your consideration in deciding what is to be the eastern part and what is to be the western part, is the space factor. It is a factor which must merit consideration in demarcating boundaries and you will have to bear in mind that there is room for expansion for the large and congested population of these districts. In that connection, you may also have to bear in mind possible likely immigration of large numbers of persons into the eastern part of the province, a consideration greatly emphasised by recent events. We are not concerned with the question whether there is justification for immigration into the western part or immigration to the eastern part, but what I will bring to your notice are facts arising out of existing circumstances and circumstances which are likely to prevail in the future. These factors you have to take into account, the probable influx of population into the eastern part and so on.

One more fact, which is also a main feature of this province and is connected with the factor which I last mentioned, may also be noticed. The Punjab unlike other provinces is really a land of the peasant proprietor. The bulk or most of the land is not owned by

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the capitalist or the big zamindar, as in the U. Ps. or elsewhere, but by the man who mostly tills the land himself and is wedded to the soil. He is on the spot. This may be brought out by a short reference which you will find at page 14 of Memorandum, 3rd paragraph[1]. In that paragraph we have referred to the report of the Darling Committee. According to that report of the Land Revenue Committee you will find that out of a total number of 34,37,248 (34,70,248)[2] land revenue payers in the province in the year 1937 who paid Rs. 4,23,08,308 (4,23,08,738) as land revenue, 94 (93.7) per cent paid less than Rs. 50 as land revenue and contributed Rs. 2,51,08,700 (2,51,08,710) that is 59 (59.35) per cent of the total revenue. The total number of big land owners paying Rs. 5,000 or more was no more than 36 in the whole of the province and their contribution to land revenue amounted to Rs. 3,80,000 (3,80,045) that is one per cent of the total land revenue of the province.

This clearly supports my submission that the Punjab is a land of the peasant proprietor. Looking at the table from which these figures are drawn—I will hand them over to you in a moment—it is very interesting to note that there are land revenue payers who pay Rs. 5 or less and their number is 17,59,260. Then there are figures for land revenue payers of Rs. 50 to Rs. 100 and so on. We have taken the figures up to payers of Rs. 50. That I submit is a peculiar feature of the province.

MR. JUSTICE DIN MUHAMMAD : This statement is attached to the Report of the Land Revenue Committee for the year 1938.

MR. SETALVAD : That aspect, namely, the prominence of the peasant proprietors in the Punjab is a peculiar feature of the province. We have a peasant proprietor who is rooted in the soil. It is a matter for anxious consideration at your hands as to how far you will do anything which will uproot this peasant proprietor from his holding. In the present circumstances and the circumstances of the future, so far as one can visualize them, if there are any substantial number of these peasant proprietors left in the western part, these people will run away. They will part with their lands at a depreciated value and migrate to the eastern part. This

[1] *i.e., the Memorandum submitted by the Indian National Congress; see Vol. I, p. 317.*

[2] *In this paragraph the correct figures worked out from the Report of the Land Revenue Committee, 1938, are given in parenthesis, wherever there is a variation.*

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is a question which, I submit, must receive consideration.

MR. JUSTICE MAHAJAN : I have not followed this argument. How does this affect the boundary question? How does this question of 17 lakhs of peasant proprietors paying land revenue at Rs. 5 or less affect the demarcation of boundaries? I have not exactly understood your point.

MR. SETALVAD : My submission is this. We have got a large amount of population in this colony area who are peasant proprietors. Are you, in demarcating the boundary, to consider the question whether by reason of demarcation of boundaries they will not get uprooted from the soil? To illustrate my point I assume that the boundary is so demarcated that all colony areas are in the Western Punjab. One of the consequences will be that you will be uprooting a large number of peasant proprietors from their holdings.

MR. JUSTICE MAHAJAN : That is what I have not followed.

MR. SETALVAD : There are a large number of colonists. I will give the details later on. Take Sikhs, for example. A large number of Sikhs and Hindus have migrated from the central to eastern parts. Now if these colony areas are allotted to the Western Punjab, then having regard to what has been happening in the recent past, namely, the feeling of insecurity which they have had in the western areas, it is inevitable that this population will be migrating to the east leaving their lands. This is what I meant.

MR. JUSTICE MUHAMMAD MUNIR : These figures relate to the canal colonies or to the whole of the Punjab?

MR. SETALVAD : To the whole of the Punjab. I will at a later stage give you figures of colonies separately. These are figures of the whole of the Punjab.

I have mentioned this peculiar feature of the province, viz., it is a province of peasant proprietors. One fact that must be emphasised at this stage is that the eastern part is much more congested in the matter of population. The figures of the density of population have been mentioned at pages 10-11 of the Memorandum[1]. If you take the density of population in these two areas, then the position would be that in the East the density is 327 persons per square mile. It is on page 11, about 10/11th line.

[1] *Vol. I, pp. 312-13.*

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MR. JUSTICE MAHAJAN : And 264 in the West.
MR. SETALVAD : That has been worked out from the census figures of India for 1941, Volume VI, by Sheikh Fazal-i-Ilahi.
MR. JUSTICE DIN MUHAMMAD : That must be correct.

MR. SETALVAD : Not only is the congestion more in the Eastern part but if you take the figures as to food production as well, the Eastern parts are found to be more populated and less fertile. In the notional division we have a total production of 29 per cent in the East as compared with 71 per cent in the West. We have worked out the per capita figure per head. It comes to 15.7 lbs. in the East as against 26.3 lbs. in the western part of the province. That is with regard to wheat. If you take the rice figures, they are lower still and there is a much bigger disparity. The percentage is 14.4 as against 85.6. That is in regard to essential food supplies. If you go to other matters, you will find that the West is ever so much richer. For example, cotton is produced only in the West. Similarly, in regard to minerals, all the minerals that you find stated at page 11 and which are of any consequence are exclusively in the Western part. I refer to gypsum, petrol, coal, etc. That is mentioned on page 11[1] a little way down the page. The crop figures which I have mentioned have been worked out from the *Report on Seasons and Crops of the Punjab.* This is a Government publication for the agricultural year ending 30th June, 1946.

One more figure which may be mentioned is the figure of the cultivable land in the Eastern as compared with the Western area. You will notice that cultivable land is in much smaller proportion in the East than in the West. The actual acreage is given at page 11[2]. The greater part of the land in the Eastern part is unirrigated, the canal-irrigated land being only 18 per cent. One thing more which may be mentioned is the health conditions shown by the vital statistics which have also been referred to in the Memorandum. The rate of mortality is much higher in the Eastern districts than in the Western districts.
MR. JUSTICE DIN MUHAMMAD: This is all where you are in a majority. *(Laughter).*
MR. SETALVAD: That is true. I will tell you how this is all relevant. In regard to the factors in the demarcation of boundaries,

[1] *Ibid., p. 313.*
[2] *Ibid., p. 312.*

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you will find that it is authoritatively laid down that economic stability is one of those factors. When you have to divide one country from another, you have to take into consideration matters such as its health and economic stability and it is in view of those considerations that I have drawn your attention to these figures. Economic stability is the factor which is to be considered. It is from that point of view that the materiality of these figures arises. The health figures which you find at page 11[1] have been based on the Report which I have just handed over to you. Those mainly are the physical features relating to population—peculiarities to which I want to draw your attention broadly at this stage.

From those I will pass on to the consideration of a very vital factor having regard to the terms of reference and that is the census. You have, according to the terms of reference, to demarcate boundaries and for that purpose ascertain the majority areas of either kind and naturally in the ordinary circumstances what you turn to in demarcating those areas would be the census figures, but a number of considerations arise in regard to the census which, I submit, result in showing the census figures particularly of 1941 to be entirely unreliable.

MR. JUSTICE DIN MUHAMMAD : I do not want to interrupt you, but in the Statement[2] on which you yourself rely, it is clearly laid down that for the purposes of determining the population of districts the 1941 census figures will be taken as authoritative. Will it serve any useful purpose for you to comment on the unreliability of the census in view of the particular proposition laid down in the very Statement on which you rely? You refer to the Statement of 3rd June from which you read some of the portions to us. Under the heading 'Bengal and Punjab' it is said :

> for the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative[3].

MR. SETALVAD : I admit that. I do not dispute that. For the purpose of notional division they did take the 1941 census figures. That is the Statement of His Majesty's Government. They had to take the figures for the purpose of notional division but that does

[1] *Ibid., pp. 312-13.*
[2] *Ibid. p. 4.*
[3] *Ibid., p. 5.*

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not in any manner affect the question before you. You have to ascertain the majority areas of either kind. For the purpose of ascertaining the wishes of the inhabitants, they adopted a rough and ready method. They said, all right we will take those areas which according to 1941 census figures are Muslim majority areas and non-Muslim majority areas of the province for the purpose of the voting in two parts. That, as I have submitted, has nothing to do with the point under discussion. As I have already mentioned, notional division was only for one purpose and that has been accomplished. You are not concerned with it. What I have submitted, becomes clear if one looks into paragraphs 5 and 6 of the Statement[1]. These paragraphs say :

> 5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European Members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two provinces are set out in the Appendix to this Announcement.
>
> 6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

What is clear from these paragraphs is that for that particular purpose only they would take these figures as authoritative. If you look at your terms of reference it is nowhere mentioned that any particular census figures are to be taken as authoritative. On the contrary, if one looks at the terms of reference, then it is for you to ascertain the Muslim and non-Muslim majority areas.

I would again for a moment draw your attention to the exact terms used—'to demarcate the boundaries on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims'. So the ascertainment of these majority areas is a matter for you and in that ascertainment you are not tied down nor are you directed to take as authoritative the figures of any particular

[1] *Ibid., pp. 5-6.*

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census. All that happened, as I have already mentioned, so far as the Statement of 3rd June[1] is concerned, was that a provisional demarcation was made on the basis of a particular census and nothing further. It is now for you, I submit, to ascertain what non-Muslim majority areas are. I concede that the ascertainment would proceed on the basis of authoritative figures in the normal course. But one does find factors which prove these figures to be unreliable, factors which are revealed by official documents and which show that so far as 1941 Census is concerned, it is not a census at all—there is no enumeration record available which can be relied upon. In the circumstances how were the census figures to be arrived at? They said, "we will take 1931 figures and have vital statistics between 1931 and 1941, the birth and death figures and then we would arrive at the population figures." That, of course, is not a census. It is only an inference, a guess. Such a method of calculation would omit to take into consideration the influx of population in these intervening years from outside. These census figures may be a subject of controversy when boundaries are being demarcated. It is a matter of common experience. I need only refer to one instance which I draw from the book of Mr. Lloyd George, *Truth about Peace Treaties,* Volume II, pages 903-904. It says :

> The duty of peace negotiators was to define the boundaries of the newly-risen communities. In large areas the races were so intermingled that the task presented almost insurmountable difficulties. The pattern did not in those areas present even a predominant colour, such official statistics as existed in any district of the Empire were vitiated by the obvious bias of the Imperial bureaucracy, either for or against any particular race. Each of the races in turn cast doubt on the impartiality of the figures collected and published by Imperial census takers. There was no official census upon the accuracy of which we could implicitly depend. We had therefore to check the registers by such evidence as was available. The witnesses who came before us, or supplied us with written statements, belonged to the rival claimants, and their testimony was naturally prejudiced. Events have proved that, as far as the disputed areas are concerned, the statistical evidence as to racial majorities

[1] *Ibid., p. 4.*

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furnished to us in many cases was grossly erroneous and misleading.

I read out this only to show that this is a question which frequently arises.

MR. JUSTICE DIN MUHAMMAD : How did they solve this difficulty?

MR. SETALVAD : They called such evidence as was available. There is a comment on the evidence which came before them. The witnesses belonged to one nationality or the other and they were not reliable. They discarded the census figures and they themselves went into the figures and they went into various other factors as well. I therefore submit that it is one of your functions to ascertain the correctness of the census figures.

MR. JUSTICE TEJA SINGH : Do you mean to say we should ask for a fresh census to be taken?

MR. SETALVAD : I am fully conscious of the difficulty as the time at your disposal is so short. It is not for me to call for a fresh census, but what I mean to emphasise is this : while taking into consideration the census figures for the years 1921, 1931 or 1941 for determining Muslim majority areas and the non-Muslim majority areas, you may not consider those figures as gospel truth. You must take other circumstances and other factors and not rely implicitly on the census figures. Take for example, the Gurdaspur district to which I will refer at a later stage. You will notice that there is a very small disparity between the Muslims and non-Muslims in that district according to the census and in demarcating the boundaries, you have to take notice of the fact that these census figures are not reliable and therefore other factors should be allowed to override the supposed population factor.

About the unreliability of the census I will build my argument on the official publications. It is a well known fact that the 1931 census was boycotted by the Congress as a protest against the appointment of the Indian Statutory Commission and this boycott was further intensified by the Civil Disobedience Movement. Therefore while the politically-minded Hindus and Sikhs kept aloof from the census, the Muslims fully availed themselves of the opportunity afforded to them. About the census of 1941, I will quote from the statement of Mr. Yeatts, Census Commissioner. At page 9 of Volume I, he observed :

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1940-41 saw also political influences on the census but in the opposite direction, since whereas the difficulty in 1931 had been to defeat a boycott, the difficulty in 1941 was to defeat an excess of zeal.

MR. JUSTICE DIN MUHAMMAD : Does he refer to the Punjab only or to the general census?

MR. SETALVAD : General census which includes the Punjab. Further on page 23 of his Report, Mr. Yeatts observed :

The increase is by no means uniform, although a greater figure than for the previous decades is politically universal. Rates are noticeably larger in the north than in the south and have two distinct peaks in the extreme west and north-west and in the east. In fact we have in the Punjab and Eastern Bengal two swarming areas.

I will now refer to the *Administration Report* by Khan Bahadur Sheikh Fazal-i-Ilahi. In Chapter I, page 44, he says :

At the commencement of enumeration some of the districts hurled in furious last minute demands for additional enumeration slips. Most of the supplemental indents were of a very reckless and extravagant nature. Endeavours were, however, made to deal with every requisition on its merits and to ensure that while the additional requirements were cut to minimum, the genuine demand was met. The rapidity with which the incessant sequence of supplemental indents flowed in, heralded the spontaneous outbreak of the "Census War". Where the bearing of the census on political rights and privileges was appreciated, displays of fanatical enthusiasm in the operations were not uncommon.

Para 22 says :

At the commencement of enumeration some of the districts hurled in furious last minute demands for additional enumeration slips. Most of these supplemental indents were of a very reckless and extravagant nature. Endeavours were, however, made to deal with every requisition on its merits and to ensure that while the additional requirements were cut to minimum, the genuine demand was met. The rapidity with which the

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incessant sequence of supplemental indents flowed in, heralded the spontaneous outbreak of the "Census War". Where the bearing of the census on political rights and privileges was appreciated, displays of fanatical enthusiasm in the operations were not uncommon. These were confined to certain urban and quasi-urban areas in the British territory and it was here that attempts at falsification of the census record were made. On the whole the rural areas as well as the Indian States remained unaffected. It was, however, possible to purify the corrupted record with the help of the house lists except in the case of Lahore city. The methods adopted for purification are embodied in confidential file No. 1, which has been sealed in a separate cover and preserved along with the rest of the census record and need not be recapitulated here. In Lahore city, public folly went so far that its record was beyond purification.

This is the Main Report of Mr. Yeatts.

Para 69, page 15, of the *Administration Report* by Mr. Yeatts says :

If the regrettable phenomena which showed themselves in Lahore were to occur in the United Kingdom the whole census would crash.

Then again at page 16, paragraph 70, it is said :

Unless communal passions can be kept in check, the U.K. system is impossible for India, quite apart from other considerations: if, as in Lahore, householders are prepared to lie freely about the numbers in their dwellings, no census could ever repose itself on the householder's word.

Then on page 21, paragraph 91 :

India will always want to know how many there are in the various communities, whatever her political system; this information for example has a powerful social interest quite apart from the political and administrative considerations which make it necessary to know the nature of the aggregations of the people in the various parts of our large country. So long, however, as the political system is based on separate electorates, this question is difficult and even dangerous. We carried it

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> through this time successfully but at the cost of great strain and in one major city, Lahore, communal passions were violent enough to destroy the value of the enumeration record. Looking ahead one cannot envisage anything but extreme difficulty in the Punjab and Bengal ten years hence and to a less extent elsewhere also. If joint electorates come in, much of the difficulty will be avoided. If not, then early thought must be given to the means of securing a valid record. The point to be borne in mind is that it is not the enumeration agency, though like every other big organisation it will have its weaker vessels, which is the danger. It was not the enumerators who wrecked the Lahore census. It was the people themselves. Any census reposes on the householder's truthfulness and in a purdah country this is all the more so.

The Report of K.B. Sheikh Fazal-i-Ilahi referred to certain confidential reports. They would not be furnished to us. I do not know whether they are made available to the Commission or not.

MR. JUSTICE DIN MUHAMMAD : We have asked for them and we are told that they are not traceable.

MR. SETALVAD : My information is that they really worked them out with the aid of 1931 figures plus vital statistics. It shows how the working was made.

MR. JUSTICE DIN MUHAMMAD : I believe that is so. He gave an indication of this. He says[1] :

> Only in one area was no acceptable record possible, but here too we were able to produce a perfectly sound figure of population. Our house lists had given the general dimensions. The vital statistics for this area are of high quality and, a most important fact, are taken by community. Consequently the 1931 figures of community distribution along with the vital statistics and corroborated by the house lists gave a sound figure for the population and this has been embodied in the tables.

MR. SETALVAD: There is an indication as to how he arrived at these conclusions. That stamps the census of India of 1941 clearly as unreliable. It is shown from the records themselves to be an unreliable census. As you will notice from the remarks made by Mr. Yeatts, the trouble has not been confined only to 1941 ; it is

[1] *Census of India, Vol. I, Part I, Tables—p. 10.*

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a trouble which has slowly grown from 1911 onwards. The reasons are obvious, because, once the political rights depend on numbers, each community is apt to attempt to exaggerate its population figures. That this was also true in the earlier years appears also from the official records.

MR. JUSTICE MAHAJAN : You said that we have to determine the majority areas today. Is it right to determine them by the census of 1941 or 1931 in the year 1947?

MR. SETALVAD : I submit that the true position would be while dealing with the matter in 1947 to get figures as near as possible. But such figures may not be available. As I have said, you are working under great limitations. In the city of Lahore, we have some figures which though not census figures are figures of 1945 and these figures are more to the purpose. In regard to the matter with which you are concerned, not only have you figures of a period prior to six years, but those figures are vitiated in the manner which I have mentioned. I am referring to the figures in the earlier censuses merely to submit that it is fallacious to rely on them for two reasons; first for the reason that these periods of time are far away from the period with which you are concerned i.e., 1947, and the second submission is that even in regard to these censuses you find that these census figures are unreliable ...

MR. JUSTICE TEJA SINGH : Do you wish us to give up the task as hopeless?

MR. SETALVAD : If this Commission had the time and opportunity, which it has not, another course might have been taken. But all that I can in the circumstances, submit is that you will not attach the importance which you would otherwise attach to these figures. This is all I can do under the circumstances. I ask you not to attach any importance to these majority figures. I will consider other factors ...

MR. JUSTICE DIN MUHAMMAD : The fault lay on both the sides.

MR. SETALVAD: I am not here to allocate the faults, I admit the fault is on both sides. Both rushed to falsify figures and both lied. The result is that you get an enumeration which is no enumeration at all. I refer to the *Punjab Census Report* of 1931, Volume XVII, Part I. That is a report which was made by Khan Ahmad Hasan Khan. This is what he says at page 79, paragraph 55 :

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> Under the circumstances it is not surprising that while some people complained of omissions in enumeration, some asserted a swelling of the figures of communities other than their own by means of bogus entries. It has to be remembered that in the course of an operation of such magnitude as the census, some omissions are bound to occur.

And as remarked by some of the district officers in their reports, there was a general tendency on the part of various communities to have larger numbers of their community enumerated. This is corroborated by the fact that census population in the last decade has shown an increase unknown in the past. There could not therefore have been many omissions. Then he goes on to page 80:

> Another factor came into play on the present occasion and deprived the census operations of the calm atmosphere, which is essential to the obtaining of correct returns. The people had realised that their political rights depended upon the census figures. The new constitution for India was to be framed at no distant date, and the value attached to the communal figures brought out by the census was greater than ever. Consequently the atmosphere was surcharged with propaganda, carried on through various agencies, and attempts were made in some places by the enumerators to swell the figures of their community by means of bogus entries, or to curtail the strength of a rival community by scoring out persons who were actually present in their houses on the final census night. There were also some cases, in which the residents of houses returned bogus names with the same motive. This mostly took place in certain urban areas, the worst offender in this respect being the city of Amritsar.

In the town of Montgomery the various communities actually summoned their friends from the neighbouring villages on the final census nights in order to have them enumerated as residents of the town and thus secure more seats in the municipality. I refer you to *Census of India*, 1931, Volume XVII, Part I. There it is stated that "in Lahore several cases came to notice, in which whole families were left un-enumerated". In the year 1930, a little before the Census of 1931, there was the Civil Disobedience Movement launched by the Indian National Congress which,

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among other things, preached the boycott of the census as well.

That is the position with regard to 1931 Census. In regard to the 1921 Census, please refer to my Memorandum[1] at page 3 which refers to the Report of Messrs Middleton and Jacob, Superintendents with regard to the Punjab. I again refer you to page 106, *Census of India*, 1921, Volume XV, Part I. It evidences the unreliability of the Census. Therein it is mentioned that "in the case of Ward 3 of Rawalpindi City, the discrepancy is even more marked".

MR. JUSTICE MUHAMMAD MUNIR: The specified number of inhabitants is, it seems, taken by adding up the number of buildings with the specified number of inhabitants per building.

MR. SETALVAD: What Messrs Middleton and Jacob do is this. They refer to the number of buildings recorded in the census figures. They take into consideration the number of inhabitants per building. The figures are put against every building. They say that if you take that figure you arrive at a certain result. Then take the census figures themselves which show different results for inhabitants of particular districts.

MR. JUSTICE MUHAMMAD MUNIR: Both the figures are taken from the same census?

MR. SETALVAD: Either the one is wrong or the other is wrong.

MR. JUSTICE MUHAMMAD MUNIR: Does it refer to preliminary enumeration?

BAKHSHI SIR TEK CHAND : House enumeration is the preliminary enumeration.

RAI BAHADUR BADRI DAS: They prepare for each house a different statement and then it is checked with the final.

MR. JUSTICE MUHAMMAD MUNIR: Thus by adding up the number of buildings with the specified number of inhabitants per building it is found that in the case of wards 1-6 of Lahore city there must be no less than one lakh and seventeen thousand inhabitants ...

MR. SETALVAD: The actual enumeration night is preceded by preliminary enumeration which shows houses and the number of people in the houses. It is from that that these Superintendents take the figures. They contrast it with the actual number of inhabitants as resulting in the enumeration.

[1] *Vol. I, pp. 301-302.*

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MR. JUSTICE DIN MUHAMMAD: They do not add up the inhabitants of the building in order to arrive at the correct figure.
MR. SETALVAD: I appreciate that.
MR. JUSTICE DIN MUHAMMAD: They multiply the building by the number of inhabitants but they do not add up the building.
MR. SETALVAD: I appreciate that. Two features will be mentioned with regard to 1921. One of the things to be remembered is that there was the Non-Co-operation Movement. Another point of importance is what is called in local history as "Nankana Massacre", the date of which is 20th of February, 1921. The date of enumeration of the census was 18th March, 1921. That is briefly the position.

That is the position in regard to 1921. It only remains to point out that this unreliability of census really began as far back as 1909, and that appears in 1911 *Census Report*, Volume XIV, Part I, of the Punjab. The author is Pandit Hari Kishan Kaul. The relevant passage is at page 97. In the middle of para 118 he states :

> The members of depressed classes, i.e., *Chooras* and *Sansis*, etc., who did not profess to belong to Islam or Christianity were returned as Hindus at the 3 previous censuses, and similar instructions were issued at the recent census. Nevertheless, a number of *Sansis* and *Chooras* residing in Muhammadan villages were returned as Muhammadans and some *Chooras* living in Sikh villages were entered as Sikhs.

That is how it started.

I think I have given you very briefly an idea of the census situation. So the position therefore is that if you take a review of the census figures of 1911, 1921, 1931 and 1941, you will see that the tendency has been growing with the result that in 1941 there came a crash in regard to certain parts of these census figures. That really is the brief and correct description of the census position as spread over these four years. That, of course, has a bearing, which I have already indicated, in regard to the manner in which you are going to look at population figures and, as I have indicated, when you have a small majority you will attach no importance to it and where there is a substantial majority, you will consider the figures with caution and have regard to the other factors.

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Now I pass on next to indicate what really would be the other factors, generally speaking, in demarcating the boundaries. In fact the factors in demarcation of boundaries which really matter will be understood when one goes through the books relating to boundary making, or giving the history of demarcation of boundaries. There are the ethnological and linguistic factors, nationality, and economic factors. There may be various other factors as well. My object in putting it generally to you is to point out that not all these factors apply in every case of demarcation, but these are generally speaking the factors. They may apply in one case and may not apply in another case. I will now refer to Mr. Lloyd George's book[1], to which I called your attention a moment ago. On pages 912-13 it is stated as follows—I am reading in regard to the boundaries of various States in Austria:

> It is clear from this lucid and reliable review of the position in Austria-Hungary written a few weeks after the war was over that the delegates at the Peace Congress were presented with a fait accompli in Central Europe and what remained for them to do was to regularise the division of the Austrian Empire and to establish boundaries between rival legatees so as to ensure just distribution amongst nationalities who were claimants for their shares of inheritance. Temperley puts it that the authors of the *History of the Peace Conference* had to decide the amount of space and freedom necessary to the life of the new peoples. The Conference had even the more intricate and perplexing task of the disentanglement of the ethnological muddle in considerable regions of Austria and Hungary having regard to economic exigencies, historical associations and vital strategic considerations.

These are the factors which they took into consideration—historical associations and vital strategic considerations. Then he goes on under the head "Difficulties inherent in Boundary Problem" :

> Of all the baffling problems which a statesman is called upon to solve, there is none more difficult or dangerous than adjustment of boundaries which are genuinely doubtful and confusing. To what extent should strategic and economic considera-

[1] *Truth about Peace Treaties.*

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> tions be allowed to enter into consideration of boundaries? Some frontiers which were ethnically indefensible provide natural military defence in the protection of the country against potential invaders. In others market facilities for transport by rail or river interfere with the rigid application of the racial factor. Dr. Benes claimed territory inhabited by preponderant majority of Magyars, because it was essential to the Slovak population that they should have access to the Danube. M. Bratiano advances similar claims in Bassarabia. It was necessary, he contested, that this province should extend to the Dniester because that river was essential to its economic existence. He advanced arguments against the ethnic claim made by Yugoslavia to the Banat. He said that Roumans of North and Eastern Hungary should have full use of the river Theiss. There are similar illustrations which I could quote from the documents presented to the Boundary Commission by the various champions of the New States. Both American and British representatives on the Commission expressed the opinion that it was proper to take into consideration other factors than that of racial predominance in certain areas. As for instance, means of communication for inhabitants with their markets.

Further on pages 894-95, you will find :

> The case of Bohemia also presents difficulties. Here also there is a German area included in a non-German State; and here also geographical and strategical reasons may be fairly urged in favour of the anomaly. But historical and economic considerations have even a greater weight.

And then :

> To cut this territory in two by a strictly linguistic frontier, in defiance of historic sentiment and economic expediency, would surely have been to misuse the principles of self-determination.

My object in drawing attention to these passages is that while demarcating the boundaries between the two states you have to take into consideration various factors such as transport, communications, historical and economic factors. I may also draw your attention to Temperley's *History of the Peace Conference*, Volume IV. On page 277, it will be found :

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> It may, in general, be said that Czecho-Slovak frontiers were the frontiers of history supplemented by the additions demanded by the necessities of economic life[1].

Before I leave Europe, I would like to mention the case of Eastern Galicia. In that connection I may draw your attention to a book entitled *International Conciliation,* Volume II. On page 915, it will be found :

> To reinforce the claim of historical ownership they advance the argument of the present land ownership. Thirty-five per cent of the land in Eastern Galicia is owned by the Polish aristocracy, who, naturally enough, require a Polish administration to support their large landed interests. It would be a very severe blow to its class pride and to the material interests of Polish landlordism, if Eastern Galicia were to be awarded to the Ukrainians, a nation of small freeholders. Furthermore, in this long history of Polish domination, the Poles say that they have greatly developed the country. Administration has always been in their hands, and they assert that they are entitled to the fruits of their administrative effort. Especially during the last half-century they claim to have been wise governors and benefactors.

The point is that if a particular class of individuals have participated in the development of a certain area, they can justly claim that area when a boundary line is being drawn.

MR. JUSTICE DIN MUHAMMAD : Was that claim admitted?

MR. SETALVAD : I do not think it was admitted but it was given effect to by force and the Poles just walked in.

SIR MUHAMMAD ZAFRULLAH KHAN : And eventually they lost it.

MR. SETALVAD : Yes, ultimately.

In the book *Ireland and the British Empire,* 1937, by C. Henry Harrison, pages 236-37, this is said about the two Counties, Tyrone and Fermanagh :

> These earlier negotiations broke down in their concluding stage at the Buckingham Palace Conference in 1914 because neither

[1] *Temperley, H.W.V.,* A History of the Peace Conference of Paris, *Vol. IV, London, Henry Frowde and Hodder & Stoughton, 1921, p. 277.*

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> side would yield in regard to the two of the remaining six Counties, Tyrone and Fermanagh, in which the nationalists claimed a majority and which were in fact represented in the United Parliament by Nationalist members ... To do so would be to create, so it was urged, yet another minority equally demanding protection, a minority of expatriated Nationalists handed over to the anti-Nationalists. On the other side, the Ulster Party contended that the areas in question were economically and administratively indispensable to the truncated province for which exclusion was sought.

Ultimately by reason of the negotiations they got those two Counties which were predominantly Nationalist and Catholic. One ground was that these were of administrative and economic importance. I am pointing this out to show the part economic necessity may play in the demarcation of boundaries.

I draw attention next to a thing nearer home, the *Report of the Orissa Committee,* Volume I, pages 2 and 3, paragraph 6 :

> Each of these areas demands separate examination. In no two of them are the conditions the same, but it will be as well to indicate at the outset the way in which we have approached this question of the boundaries. We agree with the Statutory Commission that it may not be settled by any single test. Language, race, the attitude of the people, geographical position, economic interest and administrative convenience are all relevant factors and in framing our proposals we have taken into account all of them.

(To a question by Mr. Justice Mehr Chand Mahajan, Mr. Setalvad replied that he would quote the terms of reference of the Orissa Committee at a later stage.)

MR. SETALVAD *(Continuing)* : The factors that are relied on are language, attitude of the people, race, geographical position, economic interest and administrative convenience. I now read from the book, *Boundaries in Europe and the Near East* by Sir Thomas Holdich, published in 1918, page 5 :

> The first principle is the obvious necessity for dividing self-governing states or nations into separate geographical units in such manner as to set definite and scientific barriers between

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> countries liable to mutual aggression. The next is to give to each individual country space and opportunity for internal development such as may remove all incentive for discontent and desire for encroachment on other preserves.

On page 10 again :

> The first is undoubtedly space. There must be room enough for development on the lines best suited to the character and strength of the people if they are to remain contented and happy.

Space then is the first condition of success in international territorial adjustment, space for fair development. On page 12 :

> Finally, it is beyond question important that boundaries should be well defined; that they should be difficult to violate and as strongly defensive in character as nature or art can make them; the chance of active aggression being almost in exact proportion with the facility for carrying it out.

And at page 48 :

> The first great necessity for a newly organised self-governing state is a definite frontier and a boundary line which will not only set a limit to its territorial extension, but will protect it as far as possible from aggression. The boundary which is to be the visible sign of international separation will be of little value unless it is scientifically adjusted to the political, military, and economic needs of the country concerned.

And the same author (Sir Thomas Holdich), in another book called *Political Frontiers and Boundary Making*, published in 1916, says on page 46 :

> Boundaries must be barriers—if not geographical and natural, then they must be artificial, and as strong as military device can make them.

At page 147 :

> There are many sorts of frontiers and of boundaries, but those which have through all the ages proved most effective are undoubtedly those which are best secured by strong natural

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geographical features.

In regard to Orissa, I have now found the terms of reference. Vol. II of the *Report of the Orissa Committee,* Appendix I, page 1, gives the Government resolution which created the Committee. It is the resolution dated the 18th September, 1931. The opening paragraph is this :

> The constitution of a separate province of Orissa was not made the subject of a separate investigation at the Round Table Conference or any of its sub-committees, but the matter was not overlooked. Some discussion took place at a late stage in the committee of experts in which though the claims of the Oriyas were not expressly endorsed. In these circumstances and having regard to the previous history of the case the Government of India with the approval of the Secretary of State have decided to appoint a committee to examine and report on the administrative functions and other consequences of setting up of a separate administration for the Oriya-speaking people and to make recommendations regarding its boundaries in the event of separation.

The dominant idea there seems to have been the separate administration of the Oriya-speaking people.

MR. JUSTICE DIN MUHAMMAD : On linguistic basis?

MR. SETALVAD : The paragraph began by referring to the linguistic basis and then they proceed to take into consideration administrative convenience, economical and geographical considerations and so on. So it appears that the dominant idea was to proceed on linguistic basis but that did not exclude the committee from a consideration of various other factors and recognize their importance in boundary making. Now these are the general considerations and it is in the light of these general considerations that I draw attention to a few important factors affecting the Punjab.

The first and the foremost and the most important point which I ask you to consider is that the boundary which you are going to demarcate is not going to be a boundary between two parts of a province or between two provinces under one government but it is to be a boundary between two international states. One of them is the Indian Union and the other is the Pakistan Government.

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Probably this boundary will be the boundary between two independent sovereign states. At the moment they are two dominions in the British Commonwealth of Nations, but what is envisaged is that they will be two independent states. In fact, as you know, it was the Indian Independence Bill[1] which has brought these two Dominions into existence. Therefore all considerations of strategy and defence must apply to a boundary of this character. Of course, such a boundary or a frontier has to be found having regard to the exigencies of the terrain of the Punjab. The obvious boundary line would be one of the large rivers of the Punjab. In the absence of finding a natural boundary like a mountain range or a hill tract the best boundary would be a large river bed.

MR. JUSTICE DIN MUHAMMAD : Both sides agree to this but the question is which river? *(Laughter).*

MR. SETALVAD : Looking at the map I do not think—

MR. JUSTICE DIN MUHAMMAD : Some suggest Jumna, some Sutlej and others Chenab. *(Laughter).*

MR. SETALVAD : But nobody has mentioned the Indus so far.

A VOICE FROM THE LEAGUE ADVISERS : It has been mentioned by the Afghan Government.

MR. SETALVAD : We have also to bear in mind that a frontier or a boundary line must, apart from furnishing a natural barrier, be so drawn as, considering the items of defence like communications, is not open to attack from either side easily. Of course, all this is subject to local conditions of the tract with which you are dealing. This is one of the considerations which you must take into account.

(At this stage the Commission rose for lunch and reassembled at 2.00 pm, when Mr. Setalvad continued his arguments.)

MR. SETALVAD : Before lunch I was dealing with the question of boundaries being strategically suitable and I said that in the circumstances the river boundaries were the right boundaries. This is not only from the point of view of strategy but there is another point of view which is equally important and that is the preservation of peace. Apart from strategy, the boundaries must be such as should prevent any unnecessary conflict. There must be a

[1] *Vol. I. p. 181.*

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natural line to indicate a frontier. I would request you, sir, to look at the map which we have submitted with our Memorandum. We have there the Eastern part running up in a salient, as it were, in the midst of the Western part and the whole of Amritsar district is surrounded on three sides by the Western part. The important city of Amritsar is a few miles from the boundary. Similarly, if you look at it the other way about, you find the important city of Lahore situated within a few miles of the boundary. Thus at any time the cities of Lahore and Amritsar would be absolutely vulnerable. The three sided area, viz., Amritsar would be immediately over-run. If we look at the map submitted with the Memorandum by the other side[1], you will find "W" of the Western part running right as a salient. I am referring to the portion which runs through Ludhiana district and further on. I am referring to the line which roughly commences a little after the figure "E" and goes on to the figure "F" and then on to "G" and then "H". The salient is roughly marked "E", "F", "G" and "H". Similarly if you turn to the portion marked "I" "J" "K", this boundary runs in a zig zag manner and the area forms a narrow salient. The scale of the map is 1 inch to 16 miles. The portion, for example, between "E" and "F" should not be more than eight to ten miles in width. In some places it is even less than that. This is for the purpose of illustrating my submission. You cannot have, while drawing international boundaries, salients of this character with territory eight or ten miles wide penetrating into the other state. You will remember the question of the transport system.

Examining both the maps which I have dealt with, from that point of view, you will find the same situation to exist. Take the notional division for example. You will find railway lines going up to Lahore and then they go to Amritsar, Gurdaspur, Pathankot and further down and you will find the communications cut up. If you take the other map to which I referred a little while ago, you will find it still worse. You will find railways going in and out through territories of different states at two or three places. That is my whole submission in regard to what I have called the strategic consideration in drawing the boundary line.

[1] *Vol. IV.*

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The next thing which I take will be economic security. This part of it has been already dealt with partly when I referred to the general features of the country. I gave reference to pages 10 and 11 of our Memorandum[1]. Figures are given there as to the economic position of the Eastern part as compared with the Western part. In that connection it is to be remembered that you have to look to the economic self-sufficiency and stability. This emerges from the various principles to which I drew attention and the special conditions relative to the Eastern and Western parts. If these considerations are borne in mind, I say it is inevitable that a portion of the canal system and the Crown lands must fall to the share of the Eastern part. In this connection, particularly, in regard to river waters, I wish to draw attention to the Government resolution which depicts the true situation with regard to the river waters. This is a resolution dated the 14th April, 1934, of which you find extracts quoted on page 12 of the Memorandum[2]. The extracts appear in the *Report of the Abiana Committee* published in 1934. At page 3 the Report says :

> The prosperity of the Punjab is in a great measure due to the network of the canals.

Then on page 5 it is stated :

> It has in fact always been clearly recognised in the past by the Legislative Council and by the people of the Province that the canal system of the Province is a common asset to be used for the general good of the community at large.

Therefore the canal system is a common asset. Then they state :

> The attitude adopted, both by Government and by the people, in the past, has been to regard the canals, in the absence of alternative sources of revenue, as the most important source.

Now, that is really the truth about canal system and river waters. The river waters are from the economic point of view, an important asset of the province as a whole, to the building up of which the whole province has contributed. Now, the province is being divided. Is it not fair that a part of this asset should be made

[1] *Vol. I, pp. 312-13.*
[2] *Ibid., p. 314.*

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available to the Eastern province for its economic security? I do not mean any distribution of assets, but I am putting forward this in support of my plea for the economic security of the Eastern part which is congested. Unless you are going to give to that part some part of the canal system, some share of river waters and a reasonable area of Crown lands, it cannot be economically secure. How is it going to find food for its citizens and how is it going to find necessary revenues for carrying on the administration? How is it going to find room for expansion of its population? And finally how is it going to find room for the large influx of population which is sure to run into it having regard to the circumstances in which the division is being made? All these factors must be weighed and they must result in a substantial share of the canal system and of the Crown lands being made available to the Eastern part from the economic point of view. I do not say that any single consideration should prevail, but you have to examine all these problems in a conglomerate way, in order to arrive at your decision. In this connection I shall show you a map which shows the area of temporarily leased and unallotted Crown lands in the colony areas.

(At this stage a map was handed over to the Honourable Members.)

If you turn to page 13 of the Memorandum[1], it will be seen that in regard to Crown lands, unclassed forests and waste lands, one finds that on the basis of the notional division, the Eastern part gets only 26,442 acres of waste land as against 3,64,164 acres in the western part; 4,85,862 acres of unclassed forests as against 11,44,000 in the western part and 6,021 acres of *Nazul* land as against 12,086 acres in the western part[2]. By far the most valuable of the assets mentioned here are, however, the Crown lands in the colony areas. These lands yield over a sixth part of the total revenues of the province. The area of the temporarily leased and unallotted Crown lands in the colony areas is 16,22,655 acres. The whole of these lands fall under the notional division in the western part. The eastern part is clearly entitled to a substantial portion of

[1] *Ibid., p. 316.*

[2] *The correct figures are 4,85,862 for the Eastern part, 6,58,138 for the Western part and 11,44,000 for the whole of the Punjab; see also Mr. Setalvad's arguments before the Commission on 22 July 1947 (p. 54 infra).*

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these Crown lands. This substantial share can be awarded to the eastern part by so demarcating the boundaries as to include in them a substantial portion of the temporarily leased and unallotted Crown lands in colony areas.

In this connection, a very important point which must be borne in mind is to see how these areas have been built up. It is undoubtedly a very relevant factor to be taken into consideration. For instance, the Lyallpur colony has been built up, both the rural and urban parts, by the immigrants from the central and eastern parts who are there at the moment. When I come specifically to deal with the Lyallpur colony area, I will be able to point out to you by the aid of a map that the whole belt is inhabited by a non-Muslim majority and that the non-Muslims are spread over the whole irrigated area. In the case of the Upper Bari Doab the same is the case.

As regards the Lower Chenab Canal, I will draw your attention to a passage in a book entitled *The Punjab Peasant in Prosperity and Debt* by Sir Malcolm Darling[1] :

> He[2] [The peasant proprietor] is the backbone of the colonies as he is of the Punjab. In the Lyallpur Colony he holds 80 per cent of the land and in Shahpur nearly as much. In the latter he was recruited from the Northern Districts, but in the former almost entirely from the Central Punjab. A colony should hardly have had a better material, for Ludhiana, Jullundur and Amritsar represent the flower of Indian Agriculture. They are the home of the Jat Sikhs who have been described as the most desirable of colonists.

The point for your consideration is that if a large body of colonists from central and middle-eastern districts have gone and developed these waste lands into what they are today, if there are today in that tract a large majority of them and large areas of these tracts are valuable lands which are not available to the eastern part, is it not natural that these people, who have developed the lands and who have social and cultural relations with the east, should say "here is a valuable economic asset which we have;

[1] *Malcolm Darling, The Punjab Peasant in Prosperity and Debt (London, Oxford University Press, 1925), p. 136.*

[2] *Corrections made in the quotation on the basis of the original text of the book cited above.*

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it is the common property of the province which has aided in its building and development by us". Could they not with justness say that if you are going to divide the Punjab, there should be some provision made in respect of these economic interests so that the eastern part may have a fair share of these lands and waters, so that the eastern part may have a stabilised revenue? That is briefly one aspect of the economic factor.

There is another aspect of it which arises by reason of the ownership of land in large tracts. Now I may in this connection refer to what was referred to this morning, it being urged that that consideration is ruled out as it were by what was stated at the press conference by the Viceroy[1]. My submission is that it is not so. In fact, all that was said in the press conference really amounts to an expression of opinion by His Excellency the Viceroy as to what the British Government intended or contemplated. But nowhere do your terms of reference which empower you to take into consideration other factors, rule out or exclude any particular factor. It is for you and you alone to decide whether a factor of this nature does or does not legitimately fall into factors to be considered in demarcating boundaries. My submission is, that it does. If my submission convinces you, then, notwithstanding anything said at the press conference, you are entitled to take that factor into consideration in demarcating the boundaries. There is a great deal of difference between considering the interests of the large landed proprietor, the capitalist zamindar and the peasant proprietor to whose situation I have already drawn your attention this morning, for the simple reason that he is a man whose interests are indissolubly linked with the land which he has got. He tills as much of it as he can and hires out the remaining and he is there on the spot. He is not an absentee landlord or a big zamindar who never cultivated the land himself. Is it not correct to state that in such a case there is a clear economic interest of that man in those lands and therefore in that area?

MR. JUSTICE DIN MUHAMMAD : Do the peasant proprietors belong only to the non-Muslim community?

MR. SETALVAD : I will be able to show that the majority of them in certain areas are non-Muslims. For example, in the Lyallpur district I can show you on the plan large areas where the non-

[1] *p. 9 supra.*

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Muslims are in a majority. You will find a similar situation in the Upper Bari Colony, and also in an area extending right from the Gurdaspur district passing through Amritsar and extending to Lahore, known commonly as the Majha tract. All that tract is populated by a non-Muslim majority in whom all these economic interests are concentrated.

MR. JUSTICE DIN MUHAMMAD : Have you calculated how many non-Muslim proprietors exist within these 17 lakhs?

MR. SETALVAD : I will calculate and give you the exact figures with a map. They are in a preponderating majority. I will demarcate both the areas on the plan.

The necessity of consulting these economic interests and wishes of those economic holders is a question for your consideration. That will be a point for you to decide. If you find—I say this merely for purposes of illustration—the Muslim majority to be 5 or 7 per cent in a certain tract, but if you find in the landholders, who till the soil, a majority of non-Muslim peasant proprietors, the question for your consideration would be, putting it as a point by itself, whether in that area the economic factor would not override the population factor. The question will be whether you will give weight to the excess of 5 or 7 per cent of the Muslim population or to the 60 or 65 per cent of the peasant proprietors who are non-Muslims. So far as I can visualise it, this position arises in many parts. The non-Muslim there is the holder of land, the peasant proprietor. The Muslim is there also and he preponderates. Take for instance Lyallpur. The economic stake of the non-Muslim population in that area is greater. Then in such an area what is the decision you are going to arrive at? Do you take into consideration the 5 per cent Muslim majority or do you take into account the economic factor, that 60 or 65 per cent of the economic stake is that of the non-Muslims? That is the point for your consideration.

BAKHSHI SIR TEK CHAND : Here are 5 copies[1] of map showing the Crown lands for the members of the Commission.

MR. JUSTICE MAHAJAN : Is this plan according to any scale? The green patches on both sides look equal sizes.

BAKHSHI SIR TEK CHAND : Green patches show the forests.

MR. JUSTICE DIN MUHAMMAD : I understand they are 4 lakhs on one side and 11 on the other, but they appear of equal size on

[1] *Evidently of the map produced by Mr. Setalvad earlier -p. 37 supra.*

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the map.

MR. SETALVAD : I appreciate the point. I will have it checked.

I was speaking about the economic considerations mentioned at page 14 of the Memorandum[1]. As an illustration let me refer to the district of Lahore. According to the census of 1941—which, of course, we do not accept, but for the purposes of arguments I take it to be correct—the figures are 60.62% Muslims and 39.38% non-Muslims. That is the population according to the census of 1941 of the whole district of Lahore including the city of Lahore. Now if you take the district as a whole in regard to the ownership of property, you will find that Muslims are paying Rs. 5,81,235 in the whole of the district of Lahore consisting of the three tehsils. As against that the non-Muslim figure is Rs. 12,63,830. If one goes to the acreage of the land involved, we have got the figures also. They are 5,11,867 acres for Muslims and 11,50,450 acres for non-Muslims[2]. Roughly it comes to about one-third and two-thirds. Percentages of land owners as given in that paragraph are 54.4 and 45.6 (per cent) and those of land revenue are 68 and 32 (per cent) respectively. These are the facts to be taken into consideration. Along with the majority of population several other factors have to be taken into consideration in order to arrive at a correct conclusion. This is why we say that economic interests arising out of ownership of land is a factor which must enter into consideration. This has been mentioned just by way of illustration. When we come to other districts, more illustrations will be given.

I will now take the city of Lahore. You will remember that so far as this city is concerned, the population ratio of Muslims and non-Muslims according to the census of 1941 is higher still; not 61 and 39 as in the district but 64 and 36. But if you look at the figures at page 15[3] you will find that definitely a larger proportion

[1] *Vol. I, pp. 317-18.*

[2] *According to the information supplied to the Commission by the Deputy Commissioner, Lahore, these figures are as follows :*

	Land Revenue Paid		*Land Acreage Owned*
	Amount	*Percentage*	
	Rs.		
Muslims	*5,81,235*	*31.51*	*5,11,797*
Non-Muslims	*12,63,680*	*68.49*	*11,50,659*
Total	*18,44,915*	*100.00*	*16,62,456*

[3] *Ibid., p. 318.*

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of the land is in the hands of non-Muslims. You will find a similar position existing in many urban areas.

MR. JUSTICE DIN MUHAMMAD : Is any property exempt under the Immovable Property Taxation Act?

MR. SETALVAD : I understand that charity property would be exempt. Charity property which under the Indian Income Tax Act is exempt from income-tax is also exempt from urban immovable property tax. I say that economic interest arises in this way. It is this economic interest which has been given effect to.

Another factor, which is an allied factor, is in regard to urban areas and also in some districts rural areas. Here again you will find that in certain areas which are Muslim majority areas, the position is that the trade, industry, and the factories and so on and so forth are almost entirely in the hands of non-Muslims. You will find that referred to at page 15[1], just after the paragraph to which I last drew your attention. There we have given the illustration of the district of Lahore. You will see that a preponderating number of factories in the district of Lahore are being conducted and managed by non-Muslims. Similarly, we have made references to Montgomery and Sheikhupura district rural areas. For urban areas we have given the figures in the next paragraph. For the city of Lahore and for other urban areas figures are also available. For the purpose of this argument take a certain Muslim majority area in which you have a non-Muslim section which has a large economic stake in that area. How are those two considerations to be balanced? The non-Muslim population has a stake in the district while the Muslim population is, no doubt, in a majority there. Those considerations will have to be balanced.

Another consideration which is related closely to the economic factor is that of the transport and road system. In that connection I have already mentioned one aspect this morning, that is, that no division can be such as to cut up the railway and the road transport into portions unworkable. I will now refer you to a passage from *A History of the Peace Conference of Paris*, Volume IV, page 434. It is as follows :

> The claims of nationality, free communication, and economic necessity must often conflict with one another, and did in these

[1] *Ibid., p. 318.*

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> treaties, as at Marburg, at Fiume, and on parts of the new Magyar-Rumanian and Serbo-Bulgarian frontiers. It is this fact that partly accounts for the cession of more than three millions of Germans, and of the same number of Ruthenes and of Magyars respectively, to alien rulers without their choice being ascertained by plebiscite.

Against the claims of nationality there were the claims of economic necessity and free communication. I was dealing with the question of communications. I would like you to look at the map put in by the other side which shows railways and roads. The first point which I wish to make is that the Kangra district is a part of these Eastern Districts. Even under the notional division Kangra would be deprived of railway communication and also of road communication with the eastern part.

MR. JUSTICE TEJA SINGH : They have removed your objection regarding railways passing through this district.

MR. SETALVAD : That is one point. Apart from that what I was pointing out was the cutting, as it were, of the railway line at various points. The facts about notional division have been mentioned in detail in our Memorandum[1].

MR. JUSTICE TEJA SINGH : I am pointing out that they have removed most of your objections on that point. They have included Amritsar as well as Pathankot.

MR. SETALVAD : If you now look at the map, you will find the railway going from one territory to the other. If you take the railway line which enters Ludhiana, you will find that it passes through the Western Punjab and then enters the Eastern Punjab and then again enters the Western Punjab and then goes on to Amritsar. From Amritsar it passes to the Western Punjab territory and after a long stretch in the Western Punjab it goes again to Pathankot in the Eastern Punjab. That is the main line which has been put on this map. Now the point is that there is no communication left between the rest of the Eastern Punjab and the Kangra district. That applies not only to the railway but to the road as well, because the main road passes that way. That is important to remember when one knows the situation of the district which is separated from the Eastern part by a belt of hills. Its physical

[1] *Ibid., p. 299.*

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features cannot be ignored. These observations which I am making also apply to the road communication. While dealing with this question one should bear in mind that the Eastern part of the province by itself is to be left with reasonable free communications for itself. Physical features of the country round about Kangra make it impossible to have another railway line at a reasonable cost. Therefore this division absolutely ignores any reasonable calculations or considerations to transport or communication. Necessarily with transport and communication go the usual channels of trade. I would like you to consider some points in relation to this division which appears from this map. A similar position has arisen also in the notional division because Amritsar is in the Eastern part under the notional division. When one leaves Amritsar to go towards Kangra, he /*sic*/ passes through Gurdaspur which is under the notional division in the Western part, that is to say, the rail communication as well as road communication to Kangra Valley, Chamba and other States pass through that Western part. Therefore all these States and Kangra are entirely cut from the Eastern Punjab, these States and a district of Eastern Punjab itself, namely, Kangra.

Then further considerations also arise in regard to railway communication. This deals with sufficient facilities being left for railway purposes to the eastern part of the province. These considerations arise, I think, mainly in reference to the workshop which is situated at Moghalpura. According to the proposed notional division, these 12 districts would be left entirely without any facility for repairs or dealing with railway wagons, stores and other things. In other words, there will be no means of continuing of function of the railways.

MR. JUSTICE TEJA SINGH: We have got all these details from the N.W.R.

MR. SETALVAD: I will not worry you with the details. I am only stressing the point that there will be no facilities in regard to wagons etc., in the Eastern part. The difficulty about the workshops is a very genuine one. The 40 per cent portion of the rolling stock which is going to the Eastern part would require facilities for repairs and maintenance. This facility is at present provided by the Moghalpura Workshops at Lahore and it is essential that these facilities should continue to be available to the

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eastern part of the province. There is no other workshop on the N.W.R. available in the Eastern part, the nearest workshops on other railways being situated at Lucknow and Jhansi. These are too far away to be of practical use. It is therefore absolutely essential that the Moghalpura Workshops should be available to the Eastern part in order that the railway in that part should be able to function.

There is one further important point that should be taken note of in connection with the communication system and that is the Hydro-electric line. As you are aware, the power house is situated at Jogindar Nagar in the Mandi State. It supplies power which is utilised in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepur, Sheikhupura and Lyallpur. It will be observed that it functions as one unit so that unitary control is essential for its proper functioning.

MR. JUSTICE MAHAJAN: In one of the memoranda, it has been suggested that Kangra should be in the west.

MR. SETALVAD: In that way you can place the whole of the Punjab in the West.

MR. JUSTICE DIN MUHAMMAD: Who proposed division?

MR. SETALVAD: It is a matter of history now. Division is a settled fact.

MR. JUSTICE DIN MUHAMMAD: It can even now be undone with goodwill on both sides.

MR. SETALVAD: I have never pretended to be a politician and I cannot say anything about it.

Next, I come to the movement of the population consequent on partition. This point has been referred to at page 17 of the Memorandum[1]. I will refer to this point in passing only. There must, after the partition, be an inevitable influx of population from the West to the East. This also must be borne in mind while demarcating the boundaries. It is not a matter which is capable of being supported by giving facts and figures because it concerns the future.

MR. JUSTICE DIN MUHAMMAD: Will it be only one-sided?

MR. SETALVAD: If experience suggests anything, it must be all one way.

MR.JUSTICE DIN MUHAMMAD : You speak of safeguarding

[1] *Ibid., pp. 321-22.*

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personal property. The Muslims will have the same fear against you.

MR. SETALVAD: So far as one can judge from the present happenings the stream seems to be all one way, the stream of traffic. What will happen in future is a matter for you to judge. But if the present trend of events is an indication, the stream of influx is all one way.

MR. JUSTICE DIN MUHAMMAD: One cannot forget Bihar.

MR. SETALVAD: You may take that too into account if that is of any consequence. The most logical thing under the circumstances should have been—a matter which is outside your purview—an exchange of populations having regard to the circumstances. But it is not a matter which you can go into, nor can I discuss whether it is desirable to have exchange of populations and whether that is not the best solution of the problem in the circumstances which exist today. But that is out of the purview of your terms of reference.

MR. JUSTICE MAHAJAN : What will happen as a result of our decision is really a matter of conjecture?

MR. SETALVAD : But it certainly is a factor which you are entitled to take into account, if an inference can be based on any existing data. If it is a matter of speculation, I agree, you cannot go into that. But if it is an element which is based on inference from facts, then you have to consider it.

MR. JUSTICE DIN MUHAMMAD : I do not understand this part of your Memorandum (h) on page 17[1] :

> There has already been some movement of population for the development of the Haveli colony in the Montgomery and Multan districts

and so on. What does it mean?

MR. SETALVAD : The point is this. There is, I understand, a canal towards the extreme west, the Thal Canal. It is in the process of development and there are large numbers /*sic*/ of lands which are to be colonized. That canal area will have to be populated and colonized. That will mean a large efflux from the Western part and the Eastern part too. So far as I understand the position seems to be this. Here are two canal colonies, for example, Montgomery

[1] *Ibid., p. 322.*

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and Lyallpur claimed by the Eastern part. They are canal colonies with substantial numbers of Muslim population. The question may well be asked in regard to these colonies: What about the Muslim population? The answer which is sought to be made is this. By reason of the development of the Thal canals in the west, a part of the Muslim population in the existing canal area will move westwards. One can visualise a flow of population both ways. If it is both ways, it is quite likely and probable that Muslim colonists in the Eastern part will want to move west and the Hindu or non-Muslim colonists in the Western part will want to move east. And there is a colony area in the west available for the Muslim colonisation. That seems to be an argument.

MR. JUSTICE MUHAMMAD MUNIR : The gap so caused must be reserved for that area?

MR. SETALVAD : Yes, the point is that the area should have colony lands. Some lands in the colonies are already available. Some more will be vacant by reason of the population going from the east to the west.

(To a question from Mr. Justice Teja Singh, Mr. Setalvad said : Yes, there will be double movement of population.)

The further consideration which arises is the consideration created by reason of the situation of the Sikh community. In that regard in our Memorandum[1] we have drawn attention to the historical considerations. You will find that on page 8[2] of the Memorandum. So far as the Sikhs are concerned, they are going to be represented by their own counsel. So I will not take up any considerable time. As has been repeatedly emphasised, they have a special position in the province. They are really the builders of the Punjab. The consideration falls under the head of historic considerations—a head which I have already referred to. They started as a religious sect and then history tells us that they became a military race. It appears that at one time they conquered not only what is now the whole of the Punjab but even a part of India what is now known as N.-W.F.P. and other areas and it is from them that the British in 1840[3] got the whole of the modern Punjab. Now that is the historical aspect and that is why I say that they

[1] *Ibid., p. 299.*
[2] *Ibid., p. 309.*
[3] *British annexation of the Punjab actually took place in 1849.*

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are really the makers of the modern Punjab. Further they are a martial race who have contributed to and have built up a tradition in the Indian Army and have furnished a large number of recruits to the Indian Army as well. The special importance of the Sikhs has been recognized and I need not give details here of the statements made by those in the highest authority. Efforts must be made by those who are demarcating the boundaries, as far as it is possible and consistent with the other considerations and interests, to preserve the solidarity and culture of the Sikh community and its religious freedom. So far as one can judge from history, this is very material because of the generations-long antagonism which has existed between Muslims and Sikhs. And this I may put forward as an element which should weigh with you in considering the peaceful progress of the Western Punjab as well. You cannot have half of the Sikhs in the Eastern Punjab and half of them in the Western Punjab. That will mean, so far as one can judge from considerations of history and of past happenings and so on, a continuous source of friction between the two parts. Apart from general considerations, which are, of course, of undoubted importance like the preservation of culture and religious solidarity of this community, I appeal also for the importance of the consideration of the peace of the two parts of the Punjab.

MR. JUSTICE DIN MUHAMMAD : Here I may seek your help in one matter. In the press conference of the Viceroy to which you referred this morning[1], there is a passage on the basis of which an application has been made to the Commission on behalf of the Muslims to have certain documents sent for. The passage reads like this :

> There are two main parties to this plan, the Congress and the Muslim League, but another community much less numerous but of great importance—the Sikh community—have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was, therefore, on that Resolution, which the Sikhs themselves sponsored, that this division has been provided for. I was

[1] *p. 8 supra.*

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not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh population under this proposal, I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution[1].

Now a request has been made to us on behalf of the Muslims that that plan which the Sikhs produced before the Viceroy may be sent for, for the benefit of the Commission. If you, as their counsel or as the counsel of the non-Muslims, can produce before the Commission that plan which they produced before the Viceroy, we will be very grateful.

MR. SETALVAD : I will make enquiries and we will do our best to assist the Commission.

The point of view which I was stressing was the peaceful development of both the parts of the Punjab and I say that the splitting up of the Sikh community in the manner appearing from the notional division and in a still greater manner as appears from the memorandum from the other side[2], would really mean perpetual conflict. That is the thing which has got to be avoided. It is to be remembered in connection with the Sikhs that apart from their being a martial race and having at one time been in possession of the whole of the Punjab, they played a great part in the development of at least three of the colonies. The Upper Bari Doab was really founded for the purpose of settling the disbanded Sikh soldiery to agricultural pursuits.

MR. JUSTICE TEJA SINGH : Have you got any authority?

MR. SETALVAD : I have got the authority here. The document which I have is the 'Completion Report and Schedules of Bari Doab Canal, 1894'. At that time there was only one Bari Doab, the Upper one. Paragraph 1 on page 1 of the Completion Report on the General Estimate for the construction of the Bari Doab

[1] *Vol. I, p. 13.*
[2] *Vol. I, p. 281.*

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Canal, prepared by T. Higham, Esquire, Superintending Engineer on Special Duty in the Chief Engineer's office, dated 9th January 1894, is as follows :

(a) History of construction—The Bari Doab Canal Project, for the utilization of the supply in the river Ravi for the irrigation of a portion of the tract included between the Ravi on the one side and the Beas and Sutlej on the other, was one of the first measures which engaged the attention of the British Government after the annexation of the Punjab in 1849. Even before that event and during the time of the Lahore Darbar the importance of such a scheme had been recognized and on the recommendation of the Resident (Colonel Henry Lawrence), Lieutenant Anderson of the Bombay Fusiliers was directed to make a reconnoitring survey of the Bari Doab and had actually made some progress when the work was suspended by his mission to Mooltan and its fatal termination. After the annexation the immediate construction of the canal was regarded almost as a matter of political necessity, to provide employment and an early supply of water for irrigation for the large bodies of Sikh soldiers who had been disbanded and whose homes were in the Majha, or central portion of the Doab, where, thrown out of their accustomed means of livelihood, they would otherwise have had little encouragement to turn to agriculture, in a country in which water for irrigation was at the same time so scarce and so indispensable. Surveys of the tract were, therefore, recommenced in August 1849 and the Chief Engineer, Colonel Napier (afterwards Lord Napier of Magdala), instructed Lieutenant Dyas of the Bengal Engineers in January 1850 to frame plans in general accordance with those of the Ganges Canal (which was at that time also under construction) so as to provide for irrigation to the utmost extent of the cold weather supply of the Ravi. A scheme was prepared accordingly by Lieutenant Dyas assisted by Lieutenants Paton and Crofton, also of the Bengal Engineers, and by Messrs Smithe, Lloyd, Allen and Anderson, Assistant Civil Engineers, and was completed by the 14th December 1850. The project was reviewed by Colonel Napier and forwarded to the Board of Administration on the 18th October 1851, work being commenced almost immediately afterwards.

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The canal passes through the Majha tract which has been described in various books as the homeland of the Sikhs. Something could also be said in regard to Lower Chenab in this way. Though it was not built for the Sikh soldiers, it has been built up by the efforts of the Sikh Jats as appears from the extracts which I read this morning, so that apart from the considerations I have mentioned, the part which the Sikhs have played in the development of the Upper Bari Doab and Lower Chenab and so on entitles them also to a consideration of their solidarity being preserved. Here is the plan which shows at a glance the situation of the Sikhs. As is stated at the head of the map, each figure represents 25 thousand of population.

MR. JUSTICE DIN MUHAMMAD : Take, for instance, Gurdaspur tehsil. There are three figures which mean 75 thousand. What is the total population of this tehsil?

MR. SETALVAD : It is three lakhs and twenty-eight thousand[1].

MR. JUSTICE DIN MUHAMMAD : Then Shakargarh tehsil is only with one figure which means 25 thousand. What is the total population of that tehsil?

MR. SETALVAD : According to the census it is 2 lakhs and 47 thousand[2] but in fact it is 2 lakhs and 40 thousand.

MR. JUSTICE DIN MUHAMMAD : Similarly, in the Ajnala tehsil you say there are three figures which means 75 thousand. But I understand that the total population of this tehsil is nearly 3 lakhs.

SIR MUHAMMAD ZAFRULLAH KHAN : It is a Muslim majority tehsil.

MR. JUSTICE DIN MUHAMMAD : I want to know the total population of this tehsil.

MR. SETALVAD : It is 2 lakhs 57 thousand[3].

MR. JUSTICE TEJA SINGH : I think this tehsil is not irrigated by Upper Bari Doab.

MR. SETALVAD : No, not the whole. But a part of it is irrigated by it.

MR. JUSTICE DIN MUHAMMAD : Let me know one more figure and that can be done tomorrow. You have shown certain areas here comprising Lyallpur, Montgomery, Hafizabad and other places. I would like to know the total population of this tract in

[1] *Actually 3,28,819.*
[2] *According to 1941 Census the population of Shakargarh tehsil was 2,91,505.*
[3] *The exact figure according to the 1941 Census was 2,37,049.*

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which these figures have been shown to represent the Sikh community.

MR. SETALVAD : You want the racial proportion of the population?

MR. JUSTICE DIN MUHAMMAD : Yes. This would help us in the matter of finding out the numerical strength of the Sikh population.

MR. SETALVAD : It can be said that nowhere the Sikhs are numerically greater in number.

MR. JUSTICE DIN MUHAMMAD : Then give the total population of this tract.

(The Commission adjourned till 10 am on 22 July 1947.)

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II

22 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Tuesday, 22 July 1947 at 10.00 am.)

ARGUMENTS OF THE INDIAN NATIONAL CONGRESS—*Contd.*

MR. SETALVAD : Apropos the question which was put to me yesterday about the plan, I have to submit that the Sikhs never put forward any plan. It is clear from the passage from His Excellency's speech that it was mainly at the request of the Sikh community that the Congress put forward a resolution for the partition of the Punjab. He sent for a map with the population of Sikhs and he was astounded to find that the plan which they had produced[1] ... By the word 'they' His Excellency evidently meant that the plan which was sent to him was not from the Sikhs but from those from whom it was sent for.

MR. JUSTICE DIN MUHAMMAD : The plan here refers to the resolution or the scheme that was put forward and not to the map

MR. SETALVAD : So it had nothing to do with the map.

MR. JUSTICE DIN MUHAMMAD : Nothing?

SARDAR HARNAM SINGH : I personally enquired from Master Tara Singh, Giani Kartar Singh and other members of the Shiromani Akali Dal and I was informed that no map was sent to His Excellency by the Sikhs nor was any statement put before His Excellency by the Sikh community.

SIR MUHAMMAD ZAFRULLAH KHAN : It might not have been put by the Sikhs, but it was put before His Excellency by the Congress on behalf of the Sikhs.

[1] *The actual words used by the Viceroy were :*

I was not aware of all the details when this suggestion (viz. the partition of the Punjab) was made but when I sent for the map and studied the distribution of the Sikh population under this proposal, I was astounded to find that the plan which they had produced divided their community into two almost equal parts; see Vol. I, p. 13.

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MR. SETALVAD : There is a mistake as regards the figures on page 13 of the memorandum[1]. The figure in regard to unclassed forests is 4,85,862 acres as against 11,44,000 in the western part. The latter figure is for the whole area and the figure for the western part would work out to be 6,58,138 acres.

I was dealing with the position of the Sikhs and the last thing was the map which you saw. One feature which was not mentioned in regard to the Sikhs was a feature of their occupation. Their occupation mainly is agriculture and soldiery, if I may use that expression, and a large part of the population of Sikhs left in the west would undoubtedly be deprived of the profession of soldiery.
MR. JUSTICE DIN MUHAMMAD : If they show the same loyalty as they have so far shown, they would be quite welcome.
MR. SETALVAD : I do not know what will happen. Having regard to what has happened for generations, I think, the position will be very difficult so far as one can visualise. It is not a temporary phase. It is a matter spread over a century or more—the history of the two communities. Having regard to that, it is futile to expect any Sikh to join the soldiery in the western part of the province or in the Pakistan Government. This is briefly the position.
MR. JUSTICE DIN MUHAMMAD : It is said in the papers that the Maharaja of Patiala wanted a military station in the Pakistan area.
MR. SETALVAD : I have not had the honour of reading this statement. But if one may say so, one would be wise in reading the morning newspaper to omit on either side very extravagant statements. Therefore this is a consideration which, I submit, ought to be borne in mind by the Commission—apart from what I had already mentioned yesterday—the presence in the western area itself of what may be called or legitimately described as a disgruntled or hostile population.

Lastly, in regard to the Sikh position, there is the question of their religious shrines. The details of this will no doubt be placed before you by those representing the Sikhs. I do not wish to trouble you about those details. But I will say one thing only and that is about the birthplace of the founder of their religion and that is Nankana Sahib. That, as you are aware, has been placed under the notional division—and also in the map as filed by the other side—in the western part of the province. Those, I think, are

[1] *Vol. I, p. 316.*

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the salient considerations which affect the position of the Sikh community and which are very important factors to be borne in mind by the Commission in demarcating the boundaries. That finishes, what I described to begin with, as factors which, having regard to the special conditions of the Punjab, would require to be taken into account by you under the terms of reference in demarcating the boundaries.

I proceed next to deal with the areas with which we are concerned, pointing out the geographical features, the population factor and various other features which call for consideration in regard to each of these. A very material point which arises for consideration before I approach these areas in detail is the interpretation which the Commission is going to put on certain expressions used in the terms of reference. You have been asked to demarcate Muslim and non-Muslim contiguous majority areas. The questions which arise for your consideration are what meaning you are going to attach to the expression 'area', and what is the meaning to be attached to the expression 'contiguous'. 'Area', if we turn to the dictionary meaning, is 'space' or 'region' or 'tract' and may include a field or a village or a much larger area, like a tehsil or a district and so forth. That is of little assistance to you in arriving at your conclusion. But the submission to you is that you have got to take the phrase or the expression in its context. Taking it in its context you have to remember that you are asked to demarcate two parts of a province. When the question of such demarcation arises, I submit, it stands to reason that the 'area', the expression used in the terms of reference, cannot mean an infinitesimally small area, but must mean a substantial area, a tract of a fair size, having regard to what we are talking about, namely, a province or part of a province. It is in that context, I submit, which is to be borne in mind in considering that expression. Support is lent to what I am saying by the expressions used in the broadcast by His Excellency the Viceroy when he was speaking of the areas and these were the expressions that I was thinking of :

> To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a

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majority[1].

That is how he understands the expression. It is for you to consider whether that is really the true meaning, having regard to the context of the terms of your reference. Then he goes on:

> But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding, in that event, the partition of certain Provinces. To my mind this argument is unassailable. In fact neither side proved[2] willing to leave a substantial area in which their community have a majority under the Government of the other[3].

There His Excellency used the expression 'substantial area'. My submission therefore is that you have, when you think of these areas—the majority areas, to think of large or substantial areas, the expression 'large or substantial' being construed in reference to a part of the province or province as a whole. That is the context and in that context these expressions are to be construed.

The other expression which requires consideration is 'contiguous' and it is really correlated, as it were, to the meaning you are going to attach to the word 'area'. When is the contiguity broken? That is the question which arises for consideration. Supposing for purposes of illustration, that there are two large non-Muslim majority tracts or areas. Supposing in between them is a small area say 1/8 or 1/10 of the size of the two areas, a small Muslim majority tract. Would you, in those circumstances, say that the contiguity of these large areas is broken by that small tract? That is the point for your consideration. Putting the same thing in other words: When will you say that the contiguity is broken? Is a village unit enough to break the contiguity of the two areas or is it to be ten villages or a tehsil or a portion of a district or what? My submission to you in that connection is that what can be construed to break the contiguity must again in the context of the whole matter be not a small area but an area of a fair size. The importance of the submission which I am making will be apparent if one thought of the consequences of putting a different interpretation.

[1] *Vol. I, pp. 1-2.*
[2] *'appears' in the original record of proceedings; correction from IOR-R/3/1/150.*
[3] *Vol. I, p. 2.*

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MR. JUSTICE MAHAJAN : I would like to follow exactly what you are saying. You are saying what fair area would be! Now take for example that on one side there is a non-Muslim fairly large sized area and on the other side also there is a fairly big sized non-Muslim area. Take their breadth as 20 miles. In these two areas there is a small area of Muslims, say of 20 yards of /*sic*[1] / one mile length. There is no contiguity on the remaining length. What would be the test?

MR. SETALVAD : I am not quite sure whether I have clearly understood you. Let me see. A large non-Muslim and another large non-Muslim tract. In between these two there is a small corridor but not a corridor extending all the way up and down but just like a little wedge in between these two. Having regard to the text and the expression, it could not be said to be a break of contiguity, because contiguity can only be broken, literally by removing the touch of the two areas.

MR. JUSTICE MAHAJAN : Howsoever small the touch may be the contiguity remains?

MR. SETALVAD : Yes, the contiguity remains. But what was put to me will have to be judged by reference to the size and the situation of both the wedge as well as the two areas you are thinking of. Now in this connection perhaps it may be useful to draw attention to the dictionary meaning of the word 'contiguous' and I am taking it from the *Oxford Dictionary* (second volume). Two senses which are material are No. 1 and No. 5. The first is 'touching', 'in actual contact', 'next in space', 'meeting at a common boundary', 'bordering' and finally under this head 'adjoining'. Then No. 5 is another set and the compilers of the Dictionary have there put in brackets the word "loosely" and the loose meaning is 'neighbouring', 'situated in close proximity', then they put in brackets 'though not in contact'. This is the loose meaning given in the dictionary. It is obvious from what the dictionary itself says that "contiguous" in the real sense has the first meaning namely, 'touching or meeting at a common boundary'. But, as I have stated, the matter will have to be decided, in reference not only to the context and the language used in the terms of reference, but also the context in this wide sense, context in the map, situation of the areas, situation of the areas or the alleged

[1] *Perhaps a small tract of one mile length and 20 yards breadth is meant.*

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tracts. It is obvious that it should be so, otherwise it is quite conceivable that if you take, for example, the village as a unit, you may probably be able to work out serpentine areas spreading in various directions of the province and that obviously is not the intention of the terms of reference. That is not what you are asked to produce, areas going zigzag all over the province.

MR. JUSTICE DIN MUHAMMAD : We are not expected to weave a carpet but to build an Empire!

MR. SETALVAD : No. *(Laughter)*. Please refer to the map from the East to the West and I want to make a few general observations about the areas in the East. The two divisions with which you are really concerned in the East—taking the divisions as a whole— are the Ambala and Jullundur divisions and perhaps in a small measure Kangra district too at the end. Taking the Ambala and Jullundur divisions, division-wise or district-wise, you will find preponderating non-Muslim majorities. Taking the whole of Ambala division, there the non-Muslim majority is 71.93 and in Jullundur division the non-Muslim majority is 65.47. I will now give the figures district-wise :

		Non-Muslims	*Muslims*
Ambala Division			
Gurgaon	..	66.43 (66.42)[1]	33.56 (33.58)[1]
Rohtak	..	82.58	17.42
Hissar	..	71.67	28.33
Karnal	..	69.32 (69.40)[1]	30.68 (30.60)[1]
Ambala	..	68.27	31.73
Simla	..	81.80	18.20
Jullundur Division–			
Ludhiana	..	63.5 (63.05)[1]	36.95
Ferozepore	..	54.93 (54.31)[1]	45.69
Jullundur	..	54.77	45.23
Hoshiarpur	..	67.47	32.53
Kangra	..	95.19	4.81

That exhausts the districts of these two divisions. It will be clear from the figures I have given that, taking the districts as units or as a whole, there is no doubt that there is a preponderating non-Muslim majority. Apart from the factor of population, if one examines the districts in these divisions in the light of the other considerations to which I have adverted and which I do not wish to repeat, the position would be the same. The other factors clearly point to non-Muslim economic interests, social and cultural

[1] *Percentages in brackets have been calculated on the basis of total population statistics and represent the correct position.*

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features and so on and so forth. In the map submitted by the other side[1] an attempt has been made to connect up some of the areas in these districts and divisions, some consisting of tehsils and some consisting of parts of tehsils. For example, you will find that in Ferozepore they have taken part of a tehsil, i.e., Muktsar.

MR. JUSTICE MAHAJAN : I have not been able to follow. How much of that tehsil has been taken?

SIR MUHAMMAD ZAFRULLAH KHAN : The whole of Ferozepore except, if you will look at the map[1], a very small portion lying right away from the British territory along Faridkot State, including that portion in the Fazilka tehsil but we have not included that small bit within our map which is called Nathana. We have not included that though the whole of the tehsil has a majority. It is the whole of the tehsil.

MR. SETALVAD : Including, I take it, that part which is beyond the Faridkot State.

SIR MUHAMMAD ZAFRULLAH KHAN : That is excluded from our map.

MR. SETALVAD : Oh, that is excluded !

MR. JUSTICE TEJA SINGH : Excluded in spite of the fact that that is a majority area.

MR. SETALVAD : So it is a part of Muktsar tehsil. Then there is part of Fazilka tehsil also in the south.

MR. JUSTICE TEJA SINGH : You begin from Fazilka.

MR. SETALVAD : Yes, I begin from Fazilka.

MR. JUSTICE MAHAJAN : I want to clarify the point as to how much of these tehsils is claimed. The map does not give the area. The map shows the lines but if area is known then one can know what portion of the tehsil is claimed.

MR. SETALVAD : We will be able to work out the figures with regard to the area and the population of each tehsil which correspond to their part of the claim a little later.

MR. JUSTICE TEJA SINGH : Would you be able to work out the figures of their area ?

MR. SETALVAD : It would be a difficult proposition. I think I will deal with that part of the argument after my learned friend opposite has finished with his arguments. Now with regard to Fazilka tehsil I wish to mention that they have not claimed the whole thana.

[1] *The Muslim League Map; see Vol. IV.*

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MR. JUSTICE TEJA SINGH : To what extent do the boundaries of Fazilka Thana go?

MR. SETALVAD : I can give this information, not immediately, but after a little while. Now, judging from the map you will notice that particular part of the Muktsar tehsil. Then they come to the Ferozepore tehsil. They have mentioned the whole tehsil except a certain area beyond Faridkot State. Then comes Zira, which, judging from the map, is an entire tehsil. Then there is Nakodar tehsil which seems to be claimed as a whole.

SIR MUHAMMAD ZAFRULLAH KHAN : There is no question of claim. They are given in the memorandum[1]. We claim the entire tehsils of Zira, Ferozepore and Nakodar.

MR. SETALVAD : I assume that this whole tehsil is claimed.

SIR MUHAMMAD ZAFRULLAH KHAN : You need not assume it. It is mentioned in the memorandum and that is a fact.

MR. SETALVAD : They claim the whole of Nakodar tehsil. Then we go on to a portion of a tehsil going eastwards. So far as I can see from the map, a small portion of the Ludhiana tehsil is claimed, the part which extends eastwards right up to Rupar. Then on the map we come to a part of Hoshiarpur tehsil and Dasuya tehsil and finally there is a claim to a portion of Pathankot tehsil.

MR. JUSTICE MAHAJAN : I think a part of the Rupar tehsil is round about the Ambala district.

MR. SETALVAD : Yes. So a portion of the Ambala district is also claimed. That is the way in which areas are claimed.

MR. JUSTICE MAHAJAN : Are not the whole of Amritsar and Hoshiarpur tehsils claimed?

MR. SETALVAD : Yes, as I read it they call it a pocket. They claim the whole of the Amritsar district. As you will see from the map, they claim Zira and Nakodar tehsils and they say that as they have claimed up to Gurdaspur as a Muslim majority area, the whole of the non-Muslim majority part of Amritsar district is a pocket and they described it as a non-Muslim pocket. They have claimed the major part of Amritsar on the ground of its being a pocket, a part of it being shown as being a Muslim majority area. The non-Muslim majority area is claimed as a pocket because it is surrounded on all sides by Muslim majority areas. That is roughly their claim, in so far as it extends to what may be called the

[1] *Vol. I, pp. 288-89, 295 and 298.*

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eastern part according to the notional division. I feel that it will be very convenient to deal with that part of the claim after I hear my learned friend; otherwise I would be wasting time and duplicating the work. I would like to know from what points of view these areas are claimed. Now I pass on to deal with the Gurdaspur district first.

SIR MUHAMMAD ZAFRULLAH KHAN : Have you finished your arguments with regard to all divisions?

MR. SETALVAD : Yes, I have finished with Ambala and Jullundur divisions for the time being. I mentioned these two divisions only. Now, coming to the Gurdaspur district, I will give you the area first.

MR. JUSTICE MAHAJAN : That is your claim now?

MR. SETALVAD : Yes, the claim of areas which according to the notional division have fallen in the Western part. The area of the district is 1,827 square miles and according to the 1941 Census the total population is 11,53,511 of which Muslims are shown to be 5,89,923 and the non-Muslims 5,63,588, there being an excess of Muslims by 26,435[1]. The percentages are Muslims 51.14 and the non-Muslims 48.86. In regard to this district, before I go further into the question, I would make an important observation in relation to the census of 1941. I do not wish to repeat what I said yesterday but am going to bring forward another point.

One of the tehsils in this district is the Shakargarh tehsil. It borders mainly beyond the Ravi on the north-west. That tehsil according to the 1941 Census figures shows a majority of 7,695 Muslims.

MR. JUSTICE TEJA SINGH : What is the total population of the tehsil ?

MR. SETALVAD : The total population of the tehsil is 2,91,505. This you will find at page 22 of the memorandum[2]. Out of this the population of the Muslims is 1,49,600 and that of the non-Muslims is 1,41,905 which shows an excess of Muslims to the extent of 7,695. But in actual fact the excess is only 410[3]. I am not challenging the census in the manner in which I did it yester-

[1] *The correct figure comes to 26,335.*

[2] *Vol. I, p. 329.*

[3] *It was represented to the Commission that the census figures of Shakargarh tehsil given in the Census Register of 1941 were not correctly worked out. Accordingly the*

(Contd. on next page)

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day but I am quoting from official records. It is a matter of mathematical calculation. I shall make my point more clear. We have got the census registers, the actual official records, and they have been produced here. We are preparing a tabulated statement and as soon as it is ready, we will submit it here. In the print the excess is shown as 7,695 but on actual calculation it comes only to 410. This is a very important consideration which I would like to be borne in mind. In regard to this tehsil I will give figures from 1901 onwards. If you please turn to page 22 of the memorandum[1] you will find that in 1901 the excess of non-Muslims was 4,097 which in 1911 is reduced to 3,735 and in 1921 it dwindles down to 513. In the year 1931 it is the other way about. The excess of Muslims being 4,283 and finally in the year 1941 the figure given is 7,695, although, as I have already shown, the excess of Muslims is only 410. These are the figures as regards the tehsil of Shakargarh.

Now I come to the district of Gurdaspur itself. I have already partly dealt with this district and my submission to you is that in this district there is really no Muslim majority at all. If you look at page 20 of the memorandum[2], you will notice that there is non-Muslim majority right up to 1921, but in 1931 there is a turn the other way and you have a Muslim majority of 15,534 which goes up to 26,435[3] in the year 1941. The point to which I am drawing attention is that you find the same characteristic features in the

(Footnote continued from the previous page)

Commission appointed two representatives to ascertain the correct position. Mr. Ghulam Yusuf, Daftar Qanungo, Gurdaspur and Mr. Bihari Lal Nunda, Advocate from Gurdaspur were the nominees of Muslims and non-Muslims supported by Mr. Sharif Hosain, Advocate and Mr. Gorakh Nath Sharma (of Shakargarh) respectively.

The joint report submitted by them to the Commission has been reproduced as Appendix XIII to this volume. According to their joint report submitted on 31 July 1947, the correct figures were as follows :

	Muslims	*Non-Muslims*	*Excess of Muslims over non-Muslims*
Figures according to the Census Register 1941	*1,49,600*	*1,41,905*	*7,695*
Correct figures as ascertained by the investigating Commission	*1,48,457*	*1,43,458*	*4,999*
Percentage (according to correct figures)	*50.86*	*49.14*	*1.72*

[1] *Vol. I, p. 329.*
[2] *Vol. I, p. 326.*
[3] *The correct figure comes to 26,335.*

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tables in regard to the tehsil of Shakargarh as appearing in that of the district as a whole.

MR. JUSTICE DIN MUHAMMAD : Except that in 1911 the district shows a larger majority of non-Muslims as compared with the year 1901.

MR. SETALVAD : Whereas in the tehsil there is a fall, in the district there is a rise, that is true. That is the situation in regard to the census figures which make it perfectly clear that it was a non-Muslim majority district even according to the census figures up to 1921. When one bears that in mind along with the considerations I submitted yesterday in regard to the censuses of 1931 and 1941, you will realise that you are dealing with a district which is not a Muslim majority district at all.

There is also another method of approach to this question and that you find referred to at page 21 of the memorandum[1]. Those are the figures of the adult population worked out in the census. It appears that up to 1931 the census figures showed the age distribution worked out, so that you could tell from the census statements out of the total how many persons were, say, below 20 and how many above. The columns gave details ranging from ages, 1, 2 and so on. We do not have that classification in the figures of 1941. But taking the figures as they appear from the census statements up to the end of 1931, you find, if one takes the age 20 and more, an excess of adult population in the case of non-Muslims, even the total figure of the three censuses as you have already seen is large, and the figures you find set out at page 21 of the memorandum[2] show an excess in the non-Muslim adults over the Muslim adults. I hand over copies of the statement[3] as worked out by us.

[1] *Vol. I, pp. 326-327.*
[2] *Vol. I, p. 327.*
[3] *For convenience of reference, the statement, instead of appearing as an appendix, is being reproduced below and on the next two pages.*

ADULT POPULATION (GURDASPUR DISTRICT)

Year 1931

Figures taken from *Census of India Report*, Part II, page 90

MUSLIMS

Total all ages	..	4,93,216
Total 0—20 years	..	2,65,463
Total 20 years and over	..	2,27,753

(Contd.)

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They have been worked out from the official publications. We have taken three years 1901, 1921 and 1931. 1941 Census does not show age distribution. Totals have not been published.

MR. JUSTICE MAHAJAN : But you have worked them out.

MR. SETALVAD : Yes, we have worked them out. Taking the last census of 1931 we have got a certain proportion there, proportion of Muslim adults to non-Muslim adults. Having that ratio in mind we have applied it to the total populations and we have arrived at the figure for 1941. If you look at page 21 of our memorandum[1] you will find how it is worked out.

Statement continued from bottom of previous page

NON-MUSLIMS

Total all ages all religions	..	9,70,898
Total 0–20 years	..	5,08,299
Total 20 and over	..	4,62,599
Less Muslims 20 and over	..	2,27,753
Non-Muslims 20 and over	..	2,34,846

YEAR 1921

Figures taken from *Census of India Report*, Part II, page 58

MUSLIMS

Total population all ages	..	4,22,877
Total population from 0–20 years		2,17,406
Total population from 20 and over	..	2,05,471

NON-MUSLIMS

Total all ages all religions	..	8,52,192
Total 0–20 years	..	4,26,187
Total 20 and over	..	4,26,005
Less Muslims 20 and over	..	2,05,471
Non-Muslims 20 and over	..	2,20,534

YEAR 1901

Figures taken from *Census of India Report*, Part II, Table VII, pages XVIII and XIX.

MUSLIMS

Total population all ages	..	4,63,371
Total population from 0–20 years :		
0–5	..	66,917
5–10	..	63,281
10–15	..	57,257
15–20	..	40,722
Total	..	2,28,177
Total population 20 and over	..	2,35,194

(Contd.)

[1] *Vol. I, No. p. 327.*

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MR. JUSTICE TEJA SINGH : This ratio is maintained throughout the period 1901, 1921, 1931 ?

MR. SETALVAD : The ratio during all these years, you find set out on that page[1]. All the figures are given there. You see columns: Muslims, non-Muslims, then the total and we get the percentage of Muslims to the total. Year 1901 : 48.2, year 1911 : 47.4, year 1921 : 48.2 and 1931 : 49.2.

MR. JUSTICE TEJA SINGH : These are the percentages of Muslim population?

MR. SETALVAD : Yes, the percentage is highest in 1931. Therefore, we have taken the highest in giving you the figures for 1941, namely 49.2. If we work out the average of all the figures, it would be still lower because the figures for earlier years are lower still. Therefore, taking the means available and basing our figures on them we arrive at the figures: 2,72,419 (Muslims) and 2,77,081 (non-Muslims).

MR. JUSTICE MUHAMMAD MUNIR : Is the method adopted in the case of non-Muslims different according to this chart?

MR. SETALVAD : I will just explain. The method so far as I can see is the same. There is no difference. Although you find two more lines, that is only to show the difference, otherwise the first three lines are the same. The basis is exactly the same.

MR. JUSTICE DIN MUHAMMAD : What he really wanted to know was whether there are no separate figures for non-Muslims or have you arrived at these figures by calculation?

MR. JUSTICE MUHAMMAD MUNIR : Have not these figures been given separately for each community?

MR. SETALVAD : I will find out. I will hand over to you the

Statement continued from bottom of previous page

NON-MUSLIMS

Total population all ages all religions	..	9,40,334
Total population 0—20 years :		
0—5	..	1,31,664
5—10	..	1,26,453
10—15	..	1,11,777
15—20	..	82,870
Total	..	4,52,764
Total population 20 and over	..	4,87,570
Less Muslims 20 and over	..	2,35,194
Non-Muslims 20 and over	..	2,52,376

[1] *Vol. I, p. 327.*

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original record itself. First there are headings of religions, then we have got Hindus, Sikhs, Jains, Christians and so on.

MR. JUSTICE MUHAMMAD MUNIR : Have these percentages been given in the case of each community ?

MR. SETALVAD : The percentages are not given. You take the numbers of each community and then total them up and get the percentages. The percentages are not given in the census.

MR. JUSTICE MUHAMMAD MUNIR : Have you worked out the percentages in the case of each community ? Will the results be the same in each case? Take Hindus separately, Sikhs separately and other communities separately, add them and check their averages, what would be the result?

MR. SETALVAD : The result will be the same. If you take the non-Muslims together and then add how many of them total up to 20 or more and whether you lump them together or take them separately, there will be no difference. There may be variations between different communities, for example, Jains may have a little more and Christians a little less and so on. But, once you lump them together, and work out the total, the result will be the same.

MR. JUSTICE MUHAMMAD MUNIR : At what page of the reports are these figures given ?

MR. SETALVAD : Part II, page 90, in regard to 1931 and the references to other pages in the earlier years are 1921, part II, page 58. The volume would be the same. The best thing would be to put down the reference in the typed sheet. But the point is that if our percentages and calculations are correct, persons who would be voting if a referendum were taken today would be a non-Muslim majority.

BAKHSHI SIR TEK CHAND : We have got the volumes relating to 1901 and 1921. We have not got the one for the year 1911. For 1921 it is volume XV, part II. For 1931 it is volume XVII and for 1901 it is volume XIV.

MR. JUSTICE DIN MUHAMMAD : Thank you.

MR. SETALVAD : The submission which we have been making in regard to the census aspect and majority aspect in this district is further reinforced if one goes to the figures in regard to property and land which are also mentioned at page 21 of the memorandum[1]. Those figures are now available in the office, they

[1] *Vol. I, p. 327.*

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have been called for and will be produced. The total of land revenue is Rs. 18,93,122 of which the Muslim share is Rs.6,68,694 and the non-Muslim percentage works out to about 66[1], but in the memorandum it is mentioned as 68. The actual area of the land is given as 11,33,996 acres of which the Muslims are shown to own 4,05,022 acres, i.e., a little over one-third or, if I may state the percentage, 34[2]. Finally the figures disclose the number of land-owners. The total is 2,00,275 out of which the number of Muslims is 1,10,435[3].

MR. JUSTICE DIN MUHAMMAD : There they are more than fifty per cent.

MR. SETALVAD : Yes, but I will check up the last figures which I gave you. So, those are the figures with regard to land revenue and landowners.

Another feature which has to be looked into is the position disclosed by the Assembly electoral rolls. The figures in regard to that have been shown at page 21[4]. The total is 1,56,315 while Muslims and non-Muslims are 74,790 and 81,525. These have been worked out from the electoral rolls[5].

MR. JUSTICE DIN MUHAMMAD : That may be explainable by saying that you may be richer. It does not necessarily lead to the conclusion that Muslims are less in population but to the conclusion that they are less than you in riches. These electoral rolls are based on property qualifications.

MR. SETALVAD : I am told that it is a sort of mixed qualification and not entirely based on property.

MR. JUSTICE DIN MUHAMMAD : Based on education and property and that might show that they are poorer.

MR. SETALVAD : It is not my submission that these figures necessarily indicate excess of non-Muslim over Muslim population. All that I am showing is that having regard to the situation in

[1] *The correct figure works out to 64.8 per cent.*

[2] *The correct percentage works out to 35.71. In the Congress Memorandum, the share of non-Muslims in the ownership of agricultural land in this district is given as 65 percent.*

[3] *Actually 1,01,435.*

[4] *Vol. I, p. 327.*

[5] *Official figures of voters in Gurdaspur district, supplied to the Boundary Commission by the Election Commission, Punjab, were :*

Total votes	..	*1,60,823*
Muslim voters	..	*74,798*
Non-Muslims voters		*86,025*

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which we are with reference to the census particularly of this district, to which I have already adverted, you have other factors to consider also.

MR. JUSTICE DIN MUHAMMAD : You are right.

MR. SETALVAD : Of course, the important matter is, and to which I have already adverted, that if it were a choice of the majority of the inhabitants of that district, that choice would be a non-Muslim choice. So far as the referendums which have been taken in various parts of the country go, they have been based on the voters to the local Assemblies.

MR. JUSTICE DIN MUHAMMAD : This method was not adopted in the N.-W.F.P.

MR. SETALVAD : In N.-W.F.P. and Sylhet the referendum is of the voters to the Assembly. That is what I am referring to and that aspect has made us refer to the number of Assembly votes. If you go into the matter you arrive at the same result, that is, excess of non-Muslims over Muslims. This is how it is put in the Statement of 3rd of June. Paragraph 11 of the Statement of the 3rd June says :

> The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constitutent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt[1].

That is how the factor as to the Assembly voters becomes important on the question of the referendum and the figures of voters.

I have had the figures checked. It is not one lakh and ten thousand, but it is one lakh and one thousand[2]. I have got the number of landholders. It is a little more than half.

[1] *Vol. I, p. 7.*

[2] *The reference is to the number of Muslim landowners in the district; see p. 67 supra.*

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Another aspect of the matter which should be taken into consideration—and that has been pointed out also in the memorandum—is that the district of Gurdaspur, considering its physical features and the topography and its situation in reference to the canal scheme, is really one unit as it were with the Amritsar district. If you look at page 19 of the memorandum[1], you will find that the total area of Gurdaspur district is 1,827 sq. miles and that of Amritsar district is 1,561 sq. miles, total being 3,388 sq. miles. It will be noticed that the total area of these two districts is less than that of most of the districts of the Punjab. Really speaking, this division has been made for administrative purposes but in fact the districts are one homogeneous unit. For your information I will give you the figures of total areas of Ferozepore district and the Lyallpur district. They are 4,063 and 3,515 sq. miles respectively and similar figures exist in regard to other districts.

You will also notice that these two districts, Amritsar and Gurdaspur, are united by very close trade relations; Amritsar being the clearing house for exports and imports of Gurdaspur and, as was pointed out yesterday, there is rail and road communication coming up from Lahore to Amritsar, then from Amritsar on to Gurdaspur district and vice versa, inter-linking Kangra Valley and the district of Kangra itself with Amritsar and Lahore. It is for these reasons that I am inviting you to look at this matter having regard to the homogeneity which I have already mentioned. In this connection I would like you to examine population figures for the various censuses of these two districts. You will find this table put down at page 20 of the memorandum[2]. Take the figures from 1891 to 1941. In 1891 taking the figures together, 1,13,067 is the excess of non-Muslims over Muslims, in 1901 : 87,468, in 1911 : 83,303 and 88,364, in 1921.

MR. JUSTICE DIN MUHAMMAD : An excess of 5,000 over the previous year.

MR. SETALVAD : Yes, then comes the turn of tide in 1931, when the non-Muslim majority began to be gradually reduced, as you find the Gurdaspur and Amritsar districts figures also began taking a turn. It again goes up in 1941. The total excess in 1941 is

[1] *Vol. I, p. 324.*
[2] *Ibid., p. 325.*

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72,051[1]. Therefore, the position is abundantly clear if one takes these two districts as one unit, and for the reasons I have already submitted, the two should be regarded as one unit. The division into two separate districts—the division which was adopted merely for the purpose of notional division—is for administrative purposes. According to your terms of reference you are at liberty to take any unit of area which in particular circumstances appears to you to be right to adopt, and my submission is that in the particular case of these two districts, for the reasons of homogeneity, etc., which I have already mentioned, this should be looked upon and treated as one unit.

MR. JUSTICE MUHAMMAD MUNIR: Why don't you take Lahore along with Amritsar and Gurdaspur?

MR. SETALVAD: When I come to Lahore district and Lahore city, I will point out that there is no reason for conglomerating Lahore, Amritsar and Gurdaspur as you suggest but there is a point in bringing together a part of the areas to which I am referring. There are certain areas which are irrigated by the Upper Bari Doab Canal and which do not include the Lahore city. That territory is a homogeneous belt which you will find is a non-Muslim majority area. It extends from Gurdaspur and covers a part of the Lahore district.

MR. JUSTICE MUHAMMAD MUNIR: You are lumping Gurdaspur and Amritsar. What are your reasons for separating Lahore from this area? Is it that if you lump Lahore also it will become a Muslim majority area?

MR. SETALVAD: I will tell you in a moment. The point is not of lumping together various districts but parts of districts or tehsils or parts of tehsils which are united by some factor of homogeneity.

SIR MUHAMMAD ZAFRULLAH KHAN: My learned friend wanted to combine the hilly tracts with an area which has nothing in common with those tracts, because it suits him.

MR. SETALVAD: I would request my learned friend to have patience. In that way why not take the whole of the Punjab together and thus form it into a Muslim majority. The point is that we have to take certain factors which are in common in different areas for the purpose of arriving at a decision. My submission is that if you take Amritsar and Gurdaspur, the position will be such

[1] *The correct figure comes to 72,151.*

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that there will be homogeneity and I have given my reasons for that.

MR. JUSTICE MUHAMMAD MUNIR : I wanted to know how this homogeneity in the case of Amritsar and Gurdaspur differs from that of Lahore?

MR. SETALVAD : Take, for instance, economic relations. That is a very material factor of homogeneity. As you are aware, Amritsar is a market for the products which come from the direction of Gurdaspur. Then comes the factor of communications. All these are the factors which contribute to homogeneity. Then there is a very important consideration which contributes to homogeneity on a different count and that is this. If you turn to the map you will notice that the headworks of the Upper Bari Doab Canal are situated at Madhopur. This canal irrigates parts of Gurdaspur, a large part of Amritsar and goes on to irrigate parts of the Lahore district as well. If that tract is taken as a whole, you will find it ranges from Pathankot and extends into Lahore district and is a non-Muslim majority area and it is also contiguous. Taken as a whole, it starts from the Gurdaspur district, embraces about two-thirds of the Amritsar district and further includes more than half of the Lahore district. All this area is united by a very powerful factor, as it is irrigated by the same canal system. My submission is that the division of areas on the basis of a canal system is the most equitable way from the point of view of economic considerations. The integrity of the canal system is very desirable and that integrity can be maintained by the application of the principles which are embodied in your terms of reference. I submit that this is a very powerful factor which deserves your earnest attention, namely, the integrity of the canal system over contiguous majority areas. So this is very material what I have just referred to in respect of Gurdaspur, because Gurdaspur it is through which this canal area passes, which links it up on the one hand with Amritsar and on the other with Pathankot.

One more aspect of the Gurdaspur district remains to be mentioned—the railway and road communications. It is through this district that the railway-road communication to Kangra on the one hand and Amritsar and other districts on the other passes, and following up the communication routes are the trade routes to these areas. Therefore it is essential to the economy of the Eastern

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Punjab, apart from other factors, that the district of Gurdaspur through which these communications pass, should form part of the eastern part.

We have also mentioned at page 22 of the memorandum[1], the association of this district with Sikh history and traditions. These have been detailed in paragraph 2 on that page. Those are important Sikh shrines. I will in this connection give a reference to the *District Gazetteer of Gurdaspur*, 1914, pages 16 to 19, under the marginal heading, "The Sikh Gurus and the district". In paragraph 22 under that head the whole information is collected. This makes it clear that this district is full of landmarks of Sikh history and traditions. Not only the holy shrines and the landmarks but a number of other things are also mentioned there. The matter will be dealt with in detail by those representing the Sikhs and I will not dilate further on that point.

One thing which I omitted to mention in regard to Gurdaspur district was the Mandi Hydro-electric line. The map[2] handed over to you yesterday shows at a glance how coming from Mandi it goes to Gurdaspur and then travels to Amritsar, Lahore and so on. If one looks at the situation of the district of Gurdaspur as a whole, one will find it is surrounded as it were by non-Muslim areas. On the east we have Hoshiarpur and Kangra and on the south we have, though not belonging to the British, Jammu and Chamba States, and on the west parts of Sialkot district.

MR. JUSTICE DIN MUHAMMAD : That is a Muslim majority area.

MR. SETALVAD : Parts of it which adjoin Gurdaspur district are non-Muslim majority areas, though no doubt the district as a whole is a Muslim majority area, so that roughly speaking it can well be said that the district is surrounded on three sides by non-Muslim majority areas.

Now I may deal for a few minutes with the Shakargarh tehsil which is a part of the Gurdaspur district. As one sees from the map, Shakargarh has a peculiar situation, for it is situated beyond the river Ravi and is cut off, as it were, from the district. If one looks at it, one finds that the northern part is inhabited by Dogra Rajputs who are really adjacent to the predominantly Hindu area

[1] *Vol. I, p. 328.*
[2] *See Vol. IV.*

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of the Jammu State and the eastern and southern parts of Shakargarh are inhabited by the Sikhs whereas the central and western parts are inhabited by Muslims—I mean most of the western parts and not the whole of them. These western parts which are inhabited by Muslims are separated from Muslim areas of Sialkot by a non-Muslim majority situated in the Narowal tehsil of the Sialkot district. With regard to the population of this particular district, I have already said something. You will find those figures at page 22 of the memorandum[1] and I have already mentioned the error and the difference to which I drew attention when I commenced. Taking the area on the north-west of the Ravi, you will see on the map it is a compact area, the whole area situated on the north-west of Ravi. It consists of the whole of the Shakargarh tehsil and then you will find beyond the Ravi about 116 villages of the Pathankot tehsil—I am told that part of it is called Chak Andar.

MR. JUSTICE MAHAJAN : The area between the Ujh river and the Ravi river is called Chak Andar.

MR. SETALVAD : There are about 116 villages of the Pathankot tehsil and about 15 villages of the Gurdaspur tehsil beyond the Ravi. Now that is clearly a compact area beyond the Ravi, though for administrative purposes some villages come in the Gurdaspur tehsil and some in Pathankot. Now if one takes that compact area beyond the Ravi one finds that there is a preponderance of non-Muslims in that area. If I may give the figures according to the print of the census, Shakargarh tehsil contains a total population of 2,91,505 of which the Muslims are 1,49,600 and the non-Muslims are 1,41,905. That, you will observe, give an excess[2], according to the census figures, of 7,695. Then if you take the Pathankot part, the part called Chak Andar, the total population is 26,898 of which the Muslims are 10,859 and the non-Muslims are 16,039[3]. Finally taking the few villages of the Gurdaspur tehsil, the total population is 1,988 of which 1,037 are Muslims and 951 are non-Muslims. Then if one takes up the total of all these three, we have a total population of 3,20,391. If you take all the three totals together the result is a non-Muslim majority of

[1] *Vol. I, p. 329.*

[2] *of Muslims; for correct figures, however, see Appendix XIII.*

[3] *i.e. the Shakargarh tehsil, Chak Andar and the few villages of the Gurdaspur tehsil mentioned earlier in this paragraph.*

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2,601[1]. My submission with regard to figures is correct. It is clearly a contiguous non-Muslim majority tract[2], contiguous with the Pathankot tehsil to which I have already drawn attention and which is admitted to be a non-Muslim majority tract. In connection with this tract there is a further fact which requires mention and that is the curious situation of the Muslims and non-Muslims and if I may divide this tract beyond the Ravi into three parts, the position is like this. First take it from the Ravi to the river Ujh. That is one tract. You find the non-Muslims in that tract in a majority of about five thousand[3]. Take the tract again between river Ujh and another river Basantar. You find in that area a non-Muslim majority of about three thousand. Lastly, if you take the area between Basantar and the western boundary of the tehsil abutting on the Narowal tehsil, you find a majority of five thousand of non-Muslims, so that in the result you will find a non-Muslim majority. If you cut up this tract in the manner in which I have mentioned, you still find a non-Muslim majority tract extending in any event to Basantar[4].

The figures in regard to property for this part of Shakargarh tehsil beyond the Ravi have also been given at page 22 of the memorandum[5] separately. We have given the acreage and percentage at the bottom of page 22. Out of the total area of 4,37,519 acres the non-Muslims own 2,57,996 acres of land as against 1,79,523 acres owned by the Muslims; the percentage of non-Muslims being 59. We have also got, in addition to this, the figures of the voting strength in the Assembly and these you will find at the top of page 23[6]. The non-Muslims' figure is 22,549 as against the Muslims' figure of 17,297[7]. That is really the whole position in regard to Shakargarh tehsil by itself.

[1] *In fact the majority of 2,601 is that of Muslims as represented by the totals; the Muslim and non-Muslim population of this tract works out to be 1,61,496 and 1,58,895 respectively.*

[2] *The statement is incorrect; see footnote 1 above.*

[3] *Perhaps the reference is to Chak Andar area where the non-Muslims will appear to be in a majority of 5,180 according to the figures quoted above by the learned counsel.*

[4] *See footnote 1 above.*

[5] *Vol. I, pp. 329-30. The figures given there and quoted here in the following sentence actually relate to the entire tehsil of Shakargarh.*

[6] *Ibid, p. 329.*

[7] *The figures supplied by the Election Commissioner are :*

Non-Muslim voters	..	*21,834*
Muslim voters	..	*17,296*

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Now, having dealt with the tehsil, if one examines, without reference to the details, the overall position of Gurdaspur taken as a whole, I submit it is clear, having regard to all the factors I have enumerated, that there is nothing to show that this is a Muslim majority district. On the contrary the various submissions which I have made point to the contrary showing it to be a non-Muslim majority area. The other factors, apart from the population factor, which has already been detailed, are overwhelmingly in favour of non-Muslims, economic and other interests. The element of contiguity is clearly there and in the light of those factors, it is submitted that the district should form part of eastern part of the province.

The next area, going district-wise westwards, is the Amritsar district. The main part of this district is admitted to be a non-Muslim majority area. Taken as a whole the figures have been given—I will not repeat them because they are clear in the memorandum—and they show that taken as a whole the district is a non-Muslim majority area. You have the figures of population of the district as a whole which, if they are taken along with Gurdaspur district as a unit, give a preponderating majority of non-Muslims. In the Amritsar district as a whole, the actual figures are at page 20 of the memorandum[1]. The total is 14,13,876. As to the part of it which is sought to be claimed by the other side, it would be more convenient for me to deal with it in reply to the arguments advanced by the other side for taking it away from the rest of the district. It need not be mentioned that apart from the factor of population all other factors also tend in my favour in the case of this district. Non-Muslims have their economic and other interests in this district.

MR. JUSTICE TEJA SINGH: A part of Amritsar is also claimed.

MR. JUSTICE MAHAJAN : What is that little green colour mark inside the yellow bit in Amritsar ?

SIR MUHAMMAD ZAFRULLAH KHAN : That is Majitha area, a part of Amritsar Tehsil.

MR. SETALVAD : The area which I understand is Majitha is separately shown because it is outside the tehsil. With regard to the Amritsar tehsil we have now got the official figures with regard to land revenue. The total amount paid by Muslims is Rs. 3,38,364

[1] *Vol. I, p.325.*

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as against Rs. 14,47,034[1] paid by non-Muslims. In regard to the urban immovable property tax we have Muslim assessees numbering 1,500 paying about Rs. 71,800 and non-Muslim assessees numbering 6,292 paying about Rs. 38,33,734[2] and the percentages are : Muslims 16 per cent and non-Muslims 84 per cent. Finally we have got the figures of sales tax. These figures are Rs. 27,500 paid by the Muslims as against Rs. 10,30,648 paid by the non-Muslims. I may, however, point out that these are not the official figures. They have been asked for but have not yet been received. I am told that a reminder has been sent[3].

In regard to the Amritsar district it need not be mentioned that we have there the Golden Temple and numerous other shrines. Then I come to Lahore.

MR. JUSTICE MUHAMMAD MUNIR : That is all about Amritsar ?

MR. SETALVAD : Yes, this is all about Amritsar.

The population figures disclose that in 1941 the total population of the district of Lahore was 16,95,375. The population of the Muslims was 10,27,772 while that of the non-Muslims was 6,67,603. These figures include the city of Lahore. As regards the Lahore city, the figures of the 1941 Census show a total population of 6,71,659 out of which Muslims are stated to be 4,33,170 and non-Muslims 2,38,489. The district has an area of 2,595 sq. miles. I have already adverted to the position of census figures in regard to the city of Lahore and these figures must greatly affect the district total as a whole and, as I said yesterday, the Lahore figures are totally unreliable.

This district consists mostly of peasant proprietors and a large part of the district is irrigated by the Upper Bari Doab Canal. According to the figures, about 75 per cent[4] pay land revenue of less than Rs. 50. The figures appear in the *Report of the Land Revenue Committee*, 1938. That chart shows, so far as this district is concerned, the payers of land revenue in various amounts. You will find a number of columns under the various districts among which Lahore district is mentioned. Then you find in the column at the top, the number of people who pay land revenue in different

[1] *Rs. 14,47,038 to be exact, according to official figures.*
[2] *An obvious secretarial error; the correct figure as supplied by the Development Secretary to Government of the Punjab was Rs. 3,83,794.*
[3] *Official figures are not available in the Commission's records.*
[4] *Actually 94.6 per cent.*

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amounts upto Rs. 5, Rs. 10, Rs. 20 and so on. The total number of payers of land revenue in the whole district is 1,14,965. The total amount of revenue paid up to Rs. 50 comes to Rs. 85,799.

MR. JUSTICE DIN MUHAMMAD : It comes to Rs. 1,08,812 if you total up the figures.

MR. SETALVAD : Yes, it is so. The total amount by payers of land revenue of Rs. 50 and below comes to Rs. 1,08,812. The figures given by us are incorrect. The correct figures bring up the proportion to much more than 75 per cent. It will now be a little over 90 per cent. Now these peasant proprietors forming a large portion of payers of land revenue in this district are non-Muslims and that you find on page 2 of the *Report on the Regular Settlement* by Mr. (now Sir George) Abell.

MR. JUSTICE MUHAMMAD MUNIR : Have you correct figures showing number of Muslim proprietors and non-Muslim proprietors?

MR. SETALVAD : Yes, I will give those figures. The figures received by us are as follows. The total amount of land revenue is Rs. 18,45,065, of which the amount paid by the Muslims is 5,81,235 and the non-Muslims, 12,63,830[1]. We have also received the figures of acreage owned and the figures are, Muslims : 5,11,867 acres and non-Muslims : 11,50,458 acres[2].

MR. JUSTICE MUHAMMAD MUNIR : Has the number of proprietors community-wise been received ?

MR. SETALVAD : I have got them. Upto two days ago we had not received them. I shall verify and tell you again if we have now received them.

Going to Mr. Abell's *Final Report of the Fifth Regular Settlement of the Lahore District*, 1935-39, that is the latest available, referred to at page 23 of our memorandum[3].

> About 66.7 per cent of the cultivated land is in the hands of the Jats, the great majority of whom are Sikhs. They are commonly of very fine physique and often blessed with brains as well. They represent a magnificent supply of human material. They could be, and upto a point are, a very great asset to the district and the Punjab, but their failings are as definite and as

[1] *Rs. 12,63,680 according to the information officially supplied.*
[2] *5,11,797 acres and 11,50,659 acres respectively according to official figures.*
[3] *Vol. I, p. 330.*

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> well known as their virtues. They are turbulent and unruly, are slow to take an intelligent interest in agriculture, and spend a good deal of their money on drink and litigation.

I will finish the whole of the paragraph. It continues :

> Of the other important agricultural tribes, the Arains who abound near Lahore and in the riverain tracts, and the Kambohs[1] are first-rate farmers, but the Rajputs have their usual well-earned reputation for inefficiency. The Dogars[2] who live mostly in the Sutlej riverain are more interested in cattle than farming and have an hereditary penchant for cattle theft. The communal majority in the district belongs to the Muslims but a great many of them are town dwellers, menials, landless tenants and very small peasant farmers, and the typical zamindar of the district is the Sikh Jat.

This is of course a statement in regard to the district as a whole but there are also observations in regard to the three tehsils of the district and these are contained in the report of the same officer. First is the *Assessment Report of the Lahore Tehsil by* Mr. Abell for 1933, page 2, paragraph 6. It reads :

> Jats, Rajputs and Arains monopolize 85.6 per cent of the total cultivated area. The size of holding varies, however, as follows : Jat 8.6 acres, Rajput 5 acres, Arain 2.8 acres.

MR. JUSTICE DIN MUHAMMAD : What is the percentage of the Sikhs in the tehsil ?

MR. SETALVAD : In the 'Settlement Report', Jats are given as holding 8.6 per cent. It is thus a Jat tehsil and practically all of them are Sikhs. That is how it is put in the Report.

MR. JUSTICE DIN MUHAMMAD : How can 8.6 per cent turn it into a Sikh tehsil ?

MR. SETALVAD : These figures are introduced in this way.

MR. JUSTICE DIN MUHAMMAD : I wanted to know the percentage of Sikhs in the population of the tehsil.

MR. SETALVAD : We will find it out. Then the material part is that :

[1] *Spellings corrected; see Sir Denzil Ibbetson, Punjab Castes (Lahore, Superintendent, Government Printing, 1916), p. 201.*

[2] *Not 'Dogras'; see ibid, p. 177.*

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> It is thus a Jat tehsil, and practically all of them are Sikhs : hence its repute as the home of an unruly, but by no means inefficient, body of cultivators. Jat Sikh cultivation is, however, conventional and sometimes careless. Of the rest, Rajputs have a lower standard everywhere, and Arains, though few in number, bear their usual high reputation for skill and industry. The size of holding varies as follows in different circles.

But I need not read out the whole of it. Then in the same Report at page 7, paragraph 18, he says :

> Jats are by far the most important tribe and are the backbone of the proprietary body. They are mostly Sikh by religion, of powerful physique, and given to crimes of violence and quick temper which often involve them in very costly litigation ...

Then we have the *Assessment Report for the Kasur Tehsil.* That is also a report by Mr. Abell for 1939. And this is what it says at page 2 :

> The population has advanced rapidly since 1911 in all circles except the Hithar, and by 11 per cent between 1921 and 1931 alone. Jats, mostly Sikhs, are the backbone of the rural population and hold 69 per cent of the cultivated area. Arains and and Kambohs are to some extent in evidence in the Hithar and Bet Bangar. These are also elements of strength, but the same cannot be said of the Rajputs and Dogars (10 per cent together), whose propensities tend towards extravagance or crime without the redeeming qualities of a good cultivator.

At page 13, paragraph 29, he contrasts the population :

> Sixty-nine per cent of the cultivated area of the tehsil is owned by Jats, the great majority of whom are Sikhs. Of the total population of the tehsil only 28 per cent are Sikhs as against 58 per cent Muslims but a large proportion of the Muslims are menials, landless tenants or town dwellers. Among the land-owning classes Jat Sikhs are by far the most important. The following table shows, in terms of percentages of the total cultivated area, the relative importance of the principal tribes.

(At this stage the Commission rose for lunch and re-assembled at 1.55 pm.)

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MR. JUSTICE DIN MUHAMMAD : Well, Mr. Setalvad, you can start at 1.55 and we can adjourn five minutes earlier.

MR. SETALVAD : Thank you. I was, before lunch, dealing with the district of Lahore and I referred to two tehsils. The third is the Chunian tehsil. I will refer you to paragraph 6 at page 3 of the *Assessment Report of Chunian Tehsil* of Lahore district by G.E.B. Abell, Esq., I.C.S., Settlement Officer, Lahore. It reads as follows :

> Among cultivating tribes Jats occupy 62.7 per cent, and of the remainder, Arains 6 per cent and Rajputs 6.1 per cent. No other body of land-holders needs special mention. Jats are nearly all Sikhs, and have the usual characteristics of a powerful and somewhat unruly race. With holdings averaging from 12 to 21 acres, they are able to indulge their liking for extensive cultivation. Market gardening and other subsidiary operations, such as the sale of milk, sheep or poultry, is left to the Arains and Kambohs, who know how to make good use of their land. Cattle breeding is insignificant and requirements are mostly satisfied by produce outside the Tehsil. The manufacture and sale of ghee is now an important industry in the Ravi riverain owing to the new metalled road.

The feature of all the three tehsils, of which I have already made mention, is that they are being cultivated by irrigation from the Upper Bari Doab Canal. That is a feature common to Gurdaspur, Amritsar and Lahore districts. I am handing over a map which shows this complete irrigation system. From Madhopur, the headworks of the canal, you see a green line drawn going round the three districts. That line shows the area irrigated by this canal. They are parts of Gurdaspur, major part of Amritsar and judging from the map, a large part, that is, about two-thirds of the district of Lahore and it is this area which is shown in red. You will notice that in Gurdaspur district it irrigates the centre and a part of the lower portion.

MR. JUSTICE TEJA SINGH : The part shown in white is not irrigated at all ?

MR. SETALVAD : It is not irrigated at all.

MR. JUSTICE TEJA SINGH : There is no other canal?

MR. SETALVAD : There is no other canal but there is other kind

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of irrigation. The approximate area irrigated by the Upper Bari Doab Canal—I am having it actually worked out—is about 2,500 square miles. The belt which is surrounded by green lines is the area irrigated by the Upper Bari Doab Canal. I will give details of the various areas in a minute but if one takes the overall population in this area, the figures are thus community-wise in the canal irrigated area : 10,73,036 Muslims and 12,77,883 non-Muslims. The total comes to over 23 lakhs. You will notice that it is clearly a contiguous non-Muslim majority area governed, as I say, by this uniting factor. The difference is of 2,04,847. I will check up the figures in a moment. I am sorry it is my mistake. The figures are not 12,77,883 but 12,17,883.

Now, my submission is that this feature unites these three parts, which are, though for administrative purposes in different districts, really a part of one irrigation system and the areas built up on that irrigation system. As you have noticed from various documents, it is this belt which has been occupied by immigrants from parts of other districts, largely by the Sikhs. It was settled for the benefit of Sikhs and that is why there is an area or contiguous belt of non-Muslim population along this canal in the irrigated area. The area which has been now checked is 2,900 sq. miles. I may at this stage tell you how this has been worked out. There is a Government map of irrigation which shows the whole area under this canal system with various villages on it. The population of villages has been taken from the census figures. We have taken the irrigation map, got the villages and from the census taken the population of those villages. That is how we have arrived at the population figures. You will remember that in the course of arguments, the Majha tract was referred to. This tract in red is really what has been spoken of in various books as the Majha tract and it runs through three districts. My submission, apart from other submissions, is this that here you have this contiguous non-Muslim majority tract with economic considerations uniting it, which certainly should form part of the eastern part of the province. These considerations are quite separate from those with regard to Gurdaspur or Amritsar. They stand by themselves and on their own ground. You must remember you are dividing the province into areas which will form part of different sovereign states. Apart from this feature of the canals, we have ties of this

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district of Lahore with surrounding districts and particularly with the eastern districts, railway and road communication. I have already adverted to this when I was dealing with the question of railway and road communication. If one sees the map he will find how communication passes through the district of Lahore connecting up the eastern and outlying districts of the province. See the main line passing from Ferozepore to Kasur and then on to Lahore and from there it goes on to Amritsar and eastwards beyond Gurdaspur and Pathankot, and similarly the Grand Trunk Road too. That is the whole position in regard to the district of Lahore.

I will deal with the city next. The total population figures on the basis of 1941 Census are 6,71,659 of which Muslims are 4,33,170 giving a percentage of 64.5 and non-Muslims are 2,38,489 giving a percentage of 35.5. I have referred to the true position in regard to the census figures of Lahore. But if one turns to the figures in regard to previous years he will find the position interesting. These figures are given at page 25 of the memorandum[1]. The census figures of 1911 are shown in the last para of the memorandum[2]. The percentage of Muslims is 56.5. When we come to the 1921 Census, we find that the percentage is 52.8[3] and what is more the increase in the non-Muslims is 30,000[4] and in the Muslims it is 20,000[5], though the death rate among the non-Muslims is at a higher figure, which clearly points to the flow of non-Muslim population into the city. That is how it can be accounted for—the increase of 30,000[4] to which I have drawn your attention.

Then comes in the year 1923, the extension of the limits of the city of Lahore, and the 1931 figures show the Muslim population at 58 per cent. After the census of 1931 an addition of 102 sq. miles was made to the limits of Lahore area in the year 1939 so that the total area within the municipal limits increased to 128.17 sq. miles and this brought in considerable rural areas into the city limits. As much as 87.8 per cent of the population of the rural

[1] *Vol. I, pp. 333-334.*
[2] *Ibid., p. 333.*
[3] *The correct percentage works out to 52.18 on the basis of population figures given in the memorandum (Vol. I, p. 333) as against 52.8 cited here and 52.58 mentioned in the memorandum.*
[4] *The exact figure comes to 33,351.*
[5] *The exact figure is 19,743.*

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areas thus added was Muslim. It will therefore be clear that a large part of the 128 sq. miles consists of rural population. If we adhere strictly to what may be called the urban part of the city and then calculate the population of the developed part only, the Muslim majority even on the census figures of 1941 would be reduced to 53.5 per cent. It will thus be seen that one of the main reasons of the increase in the Muslim population was the inclusion of these predominantly Muslim rural areas in the city. The fact is that the urban part of the city consists of a much lesser percentage of Muslims and that too on the basis of the official figures. My submission therefore is that the figures of 64.5 per cent Muslims and 35.5 per cent non-Muslims are absolutely unreliable. The question naturally arises what is the true communal proportion in the population of the city of Lahore. What you want to know is the actual population of the Corporation or what is really the city area. In this connection the official figures that can help us to arrive at the correct ratio of population are the ration figures. These figures were compiled in December 1944 and January 1945. These figures have been officially produced and they correspond substantially to the figures that we have given. These figures show that the total population of the city of Lahore is 9,10,017 out of which Muslims number 4,90,177 and non-Muslims 4,19,840. Thus the percentage of Muslims is about 54 per cent. I submit that this is the true position in regard to the ratio of population. As I have already submitted, these figures were collected in 1944-45, so in point of time also these figures are nearer since we are dealing with the state of affairs as it exists in 1947. That is an additional reason why these figures and not the census figures of 1941 should be taken into account. These figures are, as you are aware, obtained under Government auspices. There is, I believe, a Government officer who controls the rationing and the figures have been sent out by him, so that they are official figures and can be relied on.

The further question arises as to whether other factors exist in the case of the city and what conclusions we can draw from these factors. I think it would be correct to say that these lend an overwhelming support to the conclusion that the city has a preponderatingly large volume of industrial, commercial, social and cultural interests of the non-Muslims.

The first fact to which I wish to draw your attention is the

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figure of the payment of the urban immovable property tax. The position is this. The two comparative figures are Rs. 9,24,358 which is paid by the non-Muslims as against Rs. 3,96,189 paid by the Muslims. The proportion of the non-Muslims and Muslims respectively is 70 and 30—roughly two-thirds. This fact points to the extent of ownership of the immovable property in the city. As to trade and commerce, the figures of sales tax paid are even more striking. We have got the amount paid by the non-Muslims at Rs. 5,19,203-3-0[1] as against Rs. 66,323-2-0[1] by the Muslims; the inference is obvious that an overwhelming amount of the trade and commerce of the city is in the hands of non-Muslims. This is further supported if one looks at the number of banking offices situated in the city. The total number of banking offices in the city is 97 and only 7 are run by Muslims. The amounts deposited in these banking offices came to over Rs. 100 crores out of which only about a crore of rupees represented the share of the Muslims. When we look to the number of insurance offices, the position is the same.

According to a survey carried out by the Punjab Board of Economic Enquiry which collected data for the year 1943-44, there was a total number of 215 factories in that year out of which 167 were either managed or owned by non-Muslims. The total amount of capital invested is also given as 6.05 crores, out of which the share of non-Muslims is 4.88 crores i.e., about 80 per cent of the total investment. Now these figures as to banking and other institutions clearly show that in the city the real economic stake is of the non-Muslims. The office has now received the official figures with regard to the factories; out of a total 225 only 9 belong to the Muslims[2].

Apart from the industrial and commercial aspect I wish to turn to the cultural and educational aspect. We have figures officially available from the University. This is a statement showing the number of private affiliated colleges, affiliated to the Punjab University. It refers to various towns. In Lahore : colleges—Mus-

[1] *i.e. Rupees five lakh nineteen thousand two hundred and three, annas three and zero pies and Rupees sixtysix thousand three hundred and twentythree, annas two and zero pies; an anna is 1/16th of a rupee and a pie is 1/12th of an anna. Annas and pies were both withdrawn after the introduction of decimal coinage in India (1957) and Pakistan (1961).*

[2] *The official figure is 90 and not 9. It may be pointed out that these figures are for the entire district of Lahore.*

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lims 2, non-Muslims 7; high schools—Muslims 13, non-Muslims 22. The figures given ih the memorandum were taken from the results *[sic]* of the Punjab Board of Economic Enquiry for two years, 1943 and 1944.

MR. JUSTICE DIN MUHAMMAD : Out of the 13 colleges only two are run by Muslims. And in respect of privately managed high schools 7 are run by Muslims ?

MR. SETALVAD : The position of the schools is 22 and 13 and the college figures are 7 and 2. Then with regard to the figures of university students, official figures in that respect are not yet available. The figures here are taken from non-official sources, namely the Punjab Board of Economic Enquiry. So much in regard to the cultural and educational aspect of the matter. That, I submit again, stamps the city as being preponderantly non-Muslim from the educational and cultural point of view.

The whole position therefore so far as the city is concerned crystallizes into this. We have a city with 53 or 54 per cent Muslim population. We have a city in which the commercial and industrial and trade interests are in the manner I have already indicated. We have the educational and cultural interests in the manner I have already indicated. Now you have got to, I submit, balance all these factors in making your decision as to which part of the province the city should belong to. My submission respectfully is that all these considerations point clearly to the conclusion that the city should be included in the eastern part of the province. I think it is correct to say that crores of rupees have been contributed by the non-Muslims to the development of the city and in the ultimate analysis, it really comes to this: who is to have the choice—if one may put it in a bold and plain manner, you are now weighing all these facts—who is to have the choice, the 46 per cent of the population which has got all these other interests, which I have mentioned, in its favour—Is the choice of that portion of the population or is it the choice of the other portion to prevail? That, in substance, is the point to be considered.

One consideration which I omitted to mention appears in the memorandum, at page 28[1], and that is in regard to the cantonment of Lahore. What is pointed out is that it is essential that the eastern part of the province should have a cantonment of a reason-

[1] *Vol. I, p. 336.*

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able size for the purpose of its own military equipment. The largest cantonment so far as the existing province is concerned is in Rawalpindi which is going to the western part. The eastern part should have a cantonment as well. Lahore is the next largest cantonment in the province. It is on that basis that the statement is made that that fact should form a consideration in determining the matter. When you are setting up a province you have to consider all the aspects in regard to that province, and the point to consider is whether the eastern part of the province could be said to be properly equipped without a proper sized cantonment. The position in regard to the city of Lahore should be looked into as a whole. We have the important elements in regard to the city, which I have clearly mentioned, and from all points of view the considerations are clearly overwhelming in favour of the district and the city of Lahore being included in the eastern area. That is the whole of my submission with regard to the district of Lahore.

The next district to which I wish to turn is the Lyallpur district. That is a district a large part of which is irrigated by the Lower Chenab Canal. That Canal, as you are aware, has its head-works at Khanki in the Gujranwala district and it irrigates a large part of the Lyallpur district. If one looks at the boundaries of the district, it is divided into a sort of high-lands and low-lands and the high-lands are all irrigated by these canals.

Now the history of these colonies which form really the basis of the prosperity of the Lyallpur district is important. It was to relieve the congested areas of the central and eastern parts of the province that this colonization was undertaken and a large part of the colonists came from the central and eastern parts. The reference given at page 28 of the memorandum[1] is a reference to the *Punjab Colony Manual* but the pages 84-85 should read as paragraph 207 of the *Punjab Colony Manual*, Volume I. This is how it is put. The heading is "peasant settlers—the backbone of the colonization schemes."

> It has already been observed that the chief objects of Government in founding canal colonies were to relieve the pressure of population in congested districts and to people the colonized areas with highly agricultural communities of the best Punjab

[1] *Vol. I, p. 337.*

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type. This theme is amplified in the letter written by Sir James Lyall when Financial Commissioner in 1883 on the subject of the colonization of the tract to be commanded by the Lower Chenab Canal.

Then he goes on to quote from the statement of Sir James Lyall:

> The Financial Commissioner is of the opinion that an attempt should be made to establish estates owned by bodies of peasant proprietors, and he would reserve part of the land for such experiments. In the eastern part of the Punjab and in the sub-Himalayan tracts there not unfrequently are found villages peopled by agriculturists of the best type, who have increased in numbers until the lands which they own are insufficient for their support; often the owners of such estates have been accustomed to cultivate as tenants in neighbouring villages; but owing to the owners of these villages now requiring the lands for themselves, are gradually being ejected. Where this pressure of population exists, it not only prevents the people from being as prosperous as they otherwise would be, but affects their power of paying a fair revenue to Government. It would improve the general condition of such villages if some of the proprietors would migrate to other countries. Mr. Lyall thinks that a number of men of this class might be induced to settle in the Gujranwala *Bar* by being allowed to migrate in bodies or companies formed by themselves, and by the promise on certain conditions of grants of land.

And then at page 96, paragraph 208 :

> In pursuance of this policy the bulk of the land not reserved for the local inhabitants in the Sidhnai, Sohagpara and Lower Chenab Colonies was allotted to small agriculturists of the best type from the congested districts of the Central and Eastern Punjab, among whom Hindu and Sikh peasants formed a considerable proportion. But though the success of the Lower Chenab colonization scheme was primarily to be traced to the characteristics of these immigrant settlers, the influx of these aliens into tracts populated, however sparsely, by Muhammadans was viewed with jealousy and even hostility by the aborigines, and in framing proposals for the colonization of the Chaj Doab which was to come under irrigation from the Lower

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Jhelum Canal, the Financial Commissioner, Mr. Thorburn, in 1899, strongly urged the claims of the West Punjab Mussalman tribes and families to the lion's share of the area to be settled. While admitting the superior colonizing qualities of the Hindus and Sikhs of the Central Punjab, he deprecated on political grounds their introduction into the Shahpur *Bar* to the exclusion of the Muhammadan element.

The majority of those who have built up the prosperity of this area are the non-Muslims from the Central and Eastern Punjab. They developed those lands with immense trouble and expense. This also appears in the official records. I will refer you to paragraph 39, page 12, of the *Colony Manual*, Volume I :

39. The following picture of the difficulties which faced the earliest settlers in the Lower Chenab Colony is reproduced from the *Chenab Colony Gazetteer* (pages 29-30). History has a way of repeating itself and the lessons to be learnt from the story of these pioneers cannot be neglected.

The prospect was not at first peculiarly attractive to intending settlers. There was no railway to the Colony, and they had first to march through a country nearly as waste as the *Bar* itself, and inhabited by tribes which showed little mercy to immigrants whom they could waylay. Many therefore never reached the Colony at all. Those who did, found the *Bar* peopled by nomads, who neither desired nor expected the canal to be a success, and were determined to do all in their power to prevent its being so. Further the irrigation arrangements, as was only to be expected, were by no means perfect. The first levels taken by the Irrigation Department were not so close or so accurate as those at later stages of the scheme, and only the main watercourses were constructed before the arrival of the settlers. Even this had not always been done, and the settlers had still to make the channels often of a very considerable length for conveying water to their own squares. When this, too, had been accomplished they might find that their squares were still unirrigable. Moreover, the rainfall in the previous years had been very scanty, and the *Bar* consequently presented a peculiarly desolate appearance. Many, therefore, refused to believe that the land was worth cultivating. Faced by these difficulties, real or

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fancied, large numbers of selected settlers returned to their homes without attempting to cultivate the lands offered to them. Those who persevered and were not carried off by a severe epidemic of cholera were rewarded by an excellent crop, and once the virtue of the virgin soil of the *Bar* had been thus demonstrated, there was no lack of fresh settlers to take the place of those who fled. But the trials of early settlers were not quite at an end. Their crop matured, there was not sufficient labour available to harvest it and large quantities of cotton were left unpicked. When harvested there was still the difficulty of disposing of the produce, which had to go the same perilous ways by which the settlers came. It was largely for this reason that so many of the larger grantees still thought it not worth their while to take up the liberal grants then offered to them, and the Colony was not fully popularised with all classes until the railway was constructed as far as Lyallpur in 1896.

Meanwhile the opposition offered by the *Bar* nomads at one time reached an acute phase. It had been left to the Colonization Officer to dispose of their claims, but probably it had not been realised to the full how numerous they were or how troublesome they would prove. They not only made perpetual attacks on the colonists, who were for some time no match for them but at first they also declined to take land themselves. Their criminal ardour was cooled by rigorous repressive measures and their disinclination to take land by the great patience and tact with which it was met. The belief that the canal had come to stay began to force itself upon them, and they found it at last advisable to make for themselves the best terms they could. They were then treated with great liberality, their grants being proportional rather to their prolific qualities than their actual present needs.

MR. JUSTICE DIN MUHAMMAD : May we know the number of communities? On what basis have you made that statement?

MR. SETALVAD : That statement is made on the basis of official records which show that large number of ...

MR. JUSTICE DIN MUHAMMAD : I may inform you that they belong to both religions.

SARDAR HARNAM SINGH : Those figures have been sent for.

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They must have reached the office.

MR. SETALVAD : We will try to make these figures available.

MR. JUSTICE MUHAMMAD MUNIR : Do I take it that there are no Muslim pockets? I am referring to both parts of Lyallpur. I want to know whether these areas have large Muslim pockets or not.

MR. SETALVAD : We take, for example, the portion which begins with extreme Western boundary of the district and goes right up to the bottle-neck where you have the words "Upper Chenab Circle" and near there is the narrowing of the part. Let us take that area first. That is predominantly a non-Muslim area and the part of the colony of which I am talking is concerned with the Western part of the district. You see the words "Lower Chenab East Circle". The whole of that tract I am talking of.

MR. JUSTICE MUHAMMAD MUNIR : If the village be taken as a unit, it is not possible to connect this white area in the South with any portion of the white area in the North. Is it not possible or is it possible?

MR. SETALVAD: I should think not. Even if the village is taken to be a unit—I am speaking subject to correction—so far as I know you cannot connect it up. I must not be understood as saying that you may not, in the course of going along, come across some portions of Muslim predominance and some portions of non-Muslim predominance.

MR. JUSTICE MUHAMMAD MUNIR: They would constitute pockets.

MR. SETALVAD: I was dealing with the difficulties of those early colonists. Having contended with those difficulties they really built up the Lyallpur pocket. In view of the question put to me, I would refer you to *Punjab Peasant in Prosperity and Debt* by Malcolm Darling. At page 136 it says :

> In the Lyallpur Colony he holds about 80 per cent of the land, and in Shahpur nearly as much. In the latter he was recruited mainly from the northern districts, but in the former, as we have seen, almost entirely from the Central Punjab. No colony could have had better material, for Ludhiana, Jullundur and Amritsar represent the flower of Indian agriculture. They are the home of the Jat Sikh, who has been described as 'the most desirable of colonists'.

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It is this district which furnishes the material for Lyallpur and that is how you have a preponderating non-Muslim majority tract in these districts. The position in regard to settlement has been pointed out. They came there and settled in groups thereby making the bulk of the colonists. As regards the figures, I will be able to give them as soon as I get the official record. The result of the efforts of these colonists is evidenced by numerous figures which I will call attention to. In connection with the last topic, I draw your attention to the *District Gazetteer of Gurdaspur*, 1914. In para 29 at page 32, this is what it says :

> On the formation of new colonies on the Chenab and Jhelum, some relief to the pressure on the soil here was given by the grant of land to selected colonists; in the census report of 1911 it is estimated that, of the total population of the Chenab Colony alone, 52,701 persons are immigrants from Gurdaspur, these immigrations took place mainly in the decade preceding 1901; since which year plague has played heavy hand on the district.

That is how Gurdaspur itself contributed 50,000 to the Lower Chenab Colony.

MR. JUSTICE DIN MUHAMMAD : Persons of all religions?

MR. SETALVAD : Yes. In this connection I would draw your attention to Appendix B of the Sikh Memorandum[1], in which tehsils and *zails* are mentioned and these represent the villages situated in the irrigated area of the Lower Chenab.

MR. JUSTICE TEJA SINGH : They do not relate to the entire district?

MR. SETALVAD : No. They are with reference to the area irrigated by the Canal in the Lyallpur district.

In Appendix 'B' of the memorandum, you will find a statement in a tabulated form giving tehsil-wise the population, area and land revenue paid by the different communities in the Lyallpur district. First taking the population figures, the total population in the Lower Chenab Colony area of the district is 6,17,979 of which the Muslims are 2,33,555 and the total of Sikhs and others comes to 3,84,424. As for the area, the area allotted to the

[1] *Vol. I, p. 399.*

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Sikhs is 4,77,887 acres and to others 31,202, giving the total of 5,09,089 as against 1,98,020 to Muslims. The figures for land revenue paid are Rs. 28,10,440 by the Sikhs and adding it up with that paid by others it comes to Rs. 29,49,105 as against Rs. 11,23,826 paid by Muslims. That shows the position in regard to the Lower Chenab Colony so far as the distribution of population and economic factors are concerned. It may, however, be borne in mind that these are all rural areas.

MR. JUSTICE DIN MUHAMMAD : How do these figures compare to the total area of land owned by the Muslims in this district and the total land revenue paid by them?

MR. SETALVAD : We have those figures also and I shall supply them to you.

So far I have been addressing myself to the rural areas cultivated by this canal. I next draw your attention to the urban development in this district also. Now on this head I first draw your attention to the taxation figures. We have got the figures for the payment of the urban immovable property tax for the year 1945-46 and the figures are :

		Non-Muslims Rs.	*Muslims* Rs.
Urban Immovable Property Tax[1]	..	1,40,300	22,900
		(1,08,638)	(17,364)
Sales Tax[2]	..	3,08,000	17,000
Income Tax[3]	..	59,50,000	5,00,000
		(73,34,000)	(5,91,000)

Now these figures, I submit, are very eloquent so far as commerce and industry of the district is concerned. The same is shown by the number of registered factories, and these are 72 of which 57 factories were run by non-Muslims and only 15 were run by the Muslims. Now in regard to what I mentioned last, namely, registered factories, I draw your attention to the official figures in Lyallpur, 53 belong to the non-Muslims and 18 to the Muslims. It is estimated that the total amount of investment in the factories belonging to the non-Muslims amounts to Rs. 353 lakhs. It is an important factor to mention that the trade is mostly in the direct-

[1] *Official figures of Urban Immovable Property Tax for the year 1946-47 only are available in the Commission's records and they have been given in brackets.*

[2] *Official figures are not available.*

[3] *Official figures given in brackets relate to the income-tax assessed for the year 1946-47.*

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ion of Bombay—one-fourth, and the rest of India, i.e., Indian Union— three-quarters.

(At this stage copies of a graph were handed over to the Commission.)

If you see the graph you will find that we have got Lyallpur last but two in that column. It comprises 4 items.

SIR MUHAMMAD ZAFRULLAH KHAN : Where have you taken the figures from?

MR. SETALVAD : We have taken them from the official registers.

MR. JUSTICE TEJA SINGH : We have not yet been supplied with any official figures regarding income-tax.

MR. SETALVAD : No. The income-tax authorities said that it would take some months. They had the demand registers and it could take a few hours to work out the figures from them. That graph gives a picture of the importance of the urban areas. We are at the moment concerned with Lyallpur only. It shows that if you take the rural and urban areas so far as this colony is concerned, you will find there predominantly non-Muslim economic interests. At the same time you know the population figures of the district. I believe I gave them. The actual percentage is Muslims 62.85, non-Muslims 37.15. The question again which will arise for consideration is the balancing of these factors. On the one hand if you take the district as a whole, you have a predominantly Muslim population of the dimensions I have already mentioned. But if you take the colony developed part, and if you take the urban developed areas in regard to the population, you find in the portion marked red a preponderance of non-Muslims and the non-Muslim element represents the real industrial and commercial life of that district.

You will see in the map I have handed over that the red portion links up with parts of Sheikhupura which I will deal with when I come to Sheikhupura district irrigated partly by the Lower Chenab and partly by the Upper Chenab. If you take the area in Sheikhupura, along with the Lyallpur part, it forms a compact non-Muslim majority tract. For Sheikhupura you find the figures in Appendix 'A' of the Sikh Memorandum[1]. That gives similarly

[1] *Vol. I, p. 398.*

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a table showing the land owned, revenue paid, population of the respective communities and so on. This is the irrigated area of the Sheikhupura district, irrigated partly by the Lower Chenab and partly by the Upper Chenab. *(To a question put by Mr. Justice Teja Singh, Mr. Setalvad said* that Nankana Sahib forms part of the red on the map and though the words 'Nankana Sahib' written there are outside the red portion, the actual spot is inside the red portion.)

Now here again if you look at population—that is the last column here—you find the Muslim population is 1,56,000[1]. The total is 1,61,422 under these three heads[2]. The land revenue figures in the adjoining column in the left are Rs. 5,63,000 for Muslims and Rs. 11,99,695 for non-Muslims put together. Finally the acreage area figures are non-Muslims 3,41,777 acres against Muslims 1,30,737.

SIR MUHAMMAD ZAFRULLAH KHAN : What is the position of Nankana Sahib estate? No *zail* has been mentioned?

SARDAR HARNAM SINGH : It is in the Khairpur *zail.*

SIR MUHAMMAD ZAFRULLAH KHAN : The whole *zail* belongs to Muslims?

SARDAR HARNAM SINGH : The *zail* is a Muslim *zail.*

(The Commission adjourned till 10.00 am on Wednesday, 23 July 1947.)

[1] *The reference is to Appendix A of the Sikh Memorandum (Vol. I, p. 398). The figures relate to the 'non-Muslim majority tract' in the Sheikhupura district.*

[2] *Viz. Hindus, Sikhs and others.*

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III

23 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Wednesday, 23 July 1947 at 10.05 am.)

ARGUMENTS OF THE INDIAN NATIONAL CONGRESS—*Contd.*

MR. SETALVAD : You will remember that I made a mention of the official statement about joint stock companies which has been received in the office of the Commission and I will now draw your attention to that statement. I would have done it yesterday but it was not available at that time. It is headed in this fashion:

> Capital structure of incorporated companies in the Punjab as on the 31st December, 1946[1].

This statement is district-wise and item 17 is the Lahore district and the total number of Muslim companies given therein is 85[1] and the non-Muslim companies are 731[1] in number. While the paid up capital of non-Muslim companies is Rs. 9,73,05,000[1], that of the Muslim companies is Rs. 52,03,000[1].

[1] *The correct heading of the Statement received in the office of the Commission from the Director of Industries, Punjab is as follows :*

Number of Companies registered in the Punjab under the Indian Companies Act, 1913 promoted by Muslims and non-Muslims with their capital upto 31st December, 1946.

The relevant items of the Lahore, Montgomery and Lyallpur districts bear Nos. 17, 24 and 25 in the list. The correct entries against these items are reproduced below :

1	2	3	4	5	6
Sr No.	Name of District	No. of Muslim Companies	Paid up capital of Muslim Companies Rs.	No. of non-Muslim Companies	Paid up capital of non-Muslim Companies Rs.
17	Lahore	86	52,08,770	730	9,71,42,630
24	Montgomery	–	–	31	5,14,200
25	Lyallpur	2	10,000	60	24,75,000

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MR. JUSTICE MUHAMMAD MUNIR: How do you decide whether a company is a Muslim or a non-Muslim company?
MR. SETALVAD: You called for the statement and this is what has been sent up.
MR. JUSTICE MUHAMMAD MUNIR: How do they classify these companies as Muslim or non-Muslim companies?
MR. SETALVAD: I cannot tell you that. That is perhaps on the basis of the enquiry made by the Government. Enquiry may be made from the Government as to how the classification is arrived at.
MR. JUSTICE DIN MUHAMMAD: It does not necessarily mean that Muslims have no shares in non-Muslim companies.
MR. SETALVAD: I do not think so. On our side it frequently happens that Muslim companies are managed by Hindus and vice versa. I am told by those instructing me that that is not the case here.
MR. JUSTICE MUHAMMAD MUNIR: Is it the interest of the directorate or that of the shareholders?
MR. SETALVAD: I could not tell you off-hand. This should be ascertained from the Department which compiled the figures. The number of Muslim companies in Lyallpur is 2, the paid up capital being Rs. 10,000 while the number of non-Muslim companies is 60 and the paid up capital being Rs. 24,74,000. In Montgomery the number of companies belonging to the Muslims is nil and those owned by non-Muslims are 31; the paid up capital being Rs. 5,14,000[1].

Resuming where I left off yesterday—I was dealing with Sheikhupura district—you will notice in the plan that a tract runs from the boundary of the Lyallpur district and goes on to the boundary of the Sheikhupura district. This tract corresponds to the Sheikhupura tehsil and is an irrigated tract. It is a valuable tract of land and if one looks at the figures of land revenue, this position is borne out. These figures have not yet been officially

[1] *See the preceding footnote.*

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received[1]. The Muslims' share of land revenue is Rs.13,69,954 and the non-Muslims' share is Rs.14,43,664, the total being Rs. 28,13,618 and the excess of the non-Muslims' share over the Muslims' share is Rs.73,710. As regards the landed property the Muslims own 7,10,793 acres while the non-Muslims own 6,02,935 acres, the excess of Muslims over the non-Muslims' share being 1,07,858 acres. The fact that more land revenue is paid by the non-Muslims is accounted for by the fact that the area owned by non-Muslims is more valuable and thus yields a larger revenue. In the district, as a whole, the total land revenue is Rs.28,13,618. Out of this the Sheikhupura tehsil alone pays Rs.15,83,613. That shows that more than half of the total revenue is paid by this tehsil alone. Out of Rs.15,83,613 which I have mentioned, as much as Rs.9,81,687 is paid by the non-Muslims. These are the revenue figures in regard to this district. This district is irrigated partly by the Upper Chenab and partly by the Lower Chenab Canals.

As to the trade and industry of the district, we have the figures of taxation which you will find mentioned on page 32 of the memorandum[2]. I may, however, point out that these figures are not official. The sales tax paid by the non-Muslims amounts to Rs. 1,15,168 as compared to Rs.7,365 paid by the Muslims. The income-tax paid by the non-Muslims is Rs. 4,41,382 as compared to Rs. 33,922 paid by the Muslims. The figures in regard to companies in this district are: Muslims nil and non-Muslims 15, the paid up capital being Rs. 6,35,000[3]. An important feature of this

[1] *The official figures are :*

Particulars	*Land Revenue in Rupees*		*Land Owned in Acres*	
	Sheikhupura district as a whole	*Sheikhupura tehsil alone*	*Sheikhupura district as a whole*	*Sheikhupura tehsil alone*
By Muslims	*13,81,974*	*6,01,157*	*7,10,793*	*1,82,459*
By non-Muslims	*14,48,842*	*9,74,720*	*6,02,829*	*3,08,056*
Total	*28,30,816*	*15,75,877*	*13,13,622*	*4,90,515*
Excess				
(a) Over Muslims	*66,868*	*3,73,563*	–	*1,25,597*
(b) Over non-Muslims	–	–	*1,07,964*	–

[2] *Vol. I, pp. 341-42.*

[3] *The official figures are as follows :*

	Muslims	*Non-Muslims*
	Rs.	*Rs.*
Income-tax (1946-47)	*17,352*	*1,90,817*
Number of Companies (upto 31 December 1946)	–	*15*
Paid-up Capital of Companies (upto 31 December 1946)	–	*6,34,800*

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district is that the railway communication between Lyallpur district on the one hand and Lahore and Amritsar districts on the other passes through Sheikhupura district.

The figures I have given indicate how the non-Muslims are situated in regard to the trade, industry and development of the district and also connected with the area of irrigated and valuable tract of land in the Sheikhupura tehsil of the district. In addition to what I have mentioned, there is another important feature of this district, which should enter into your consideration and that is the situation of the shrine of Guru Nanak called Nankana Sahib. It is situated in that little narrow strip of the red belt in the map.

MR. JUSTICE TEJA SINGH: Is this part of the district irrigated by the Upper Chenab Canal? Is it correct?

MR. SETALVAD: As I told you some moments ago, the district as a whole is irrigated partly by the Lower Chenab Canal.

MR. JUSTICE TEJA SINGH: I want to know about this particular tract of Nankana Sahib.

MR. SETALVAD : It is irrigated by the Lower Chenab Canal.

MR. JUSTICE TEJA SINGH: But the plan gives a different impression.

MR. JUSTICE MAHAJAN: What is the distance between the river Ravi and Nankana Sahib?

MR. SETALVAD: It is 12 miles.

MR. JUSTICE TEJA SINGH: Your plan shows two branches of the Ravi.

MR. SETALVAD : If you will look at the map (red marked portion) you will see the boundaries of the tract irrigated by the Lower Chenab Canal. It is shown in yellow broken line. I am told that it is the Deg Nullah which is connected with the Ravi. It goes right up much further. It is not really river Ravi at all. It is really the Deg Nullah which comes from Jammu right through Sialkot and only in certain parts of the year it carries water, otherwise it remains dry. The Grand Trunk Road crosses it near Kala Shah Kaku. That is really the whole position in regard to the Sheikhupura district.

Going next to the adjoining district of Gujranwala, you are probably aware that so far as this district is concerned, it has a preponderating majority of Muslim population. The actual figures are 70.45 per cent Muslims and 29.55 per cent non-Muslims. In

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this connection I will refer to some passages from the *Gazetteer of Gujranwala*, 1935. On page 15 you will find the following passage:

> In Gujranwala and Wazirabad the people are similar in character and habits to the ordinary peasant of the Central Punjab, while in Hafizabad they still retain traces of their pastoral and nomadic character. The bond between them is rather of the tribe than of the village community.

Then on page 16 of the same book you will find the following :

> The Gujranwala district was among the first in which Sikh dominion was established; it has many associations with the Sikh regime, and an intimate connection with the fortunes of the Sikh royal family.
>
> Gujranwala city was the birth-place of Mahan Singh and his more famous son Ranjit Singh, and a monument in marble erected in 1891 by Sikh *sardars* at the instance of Mr. Ibbetson, the then Deputy Commissioner, marks the site of the humble abode where the great Maharaja was born and spent his youth. Charat Singh Sukarchakia (so named from his birth-place in the Amritsar district), Sansi Jat of the Manjha, was one of the most daring and successful adventurers whom that disturbed period brought to the front. His aid was invoked by his fellow tribesmen, the Sansi Jats of this district, a small tribe around Gujranwala with their headquarters in the city, in their struggle against the Varaich tribe led by the famous robber chief Bare Khan.

Going further to one important feature of this district you will find that the headworks of the Lower Chenab Canal, the canal which irrigates Lyallpur and parts of Sheikhupura district, are situated at Khanki.

In regard to the position as to the economic and commercial life of the district, it is revealed in the figures which we have at page 32[1]. The official figures of the joint stock companies are: Muslims : 4 companies with paid-up capital of Rs. 42,000[2], non-Muslims: 24 companies with a paid-up capital of Rs. 12,66,000[2]. These are the official figures.

[1] *Vol. I, p. 343.*

[2] *Rs. 42,300 and Rs. 12,65,100 respectively according to official figures.*

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The tax figures are : urban immovable property tax paid by non-Muslims amounts to Rs. 65,000 as against Rs. 13,000 paid up by the Muslims[1]. The sales tax paid by non-Muslims amounts to about Rs. 2,01,765 as against Rs. 12,500 paid by the Muslims. The income tax paid by the non-Muslims amounts to Rs. 7,00,000 as against about Rs. 50,000 paid by Muslims[2]. There is no official confirmation about these figures so far.

Now in regard to the land revenue the position is this; if you take the district as a whole the Muslims pay a larger share, their share is Rs. 9,65,762 as against Rs. 7,48,226 paid by the non-Muslims. This is the overall position with regard to the district.

MR. JUSTICE MAHAJAN : Is the last figure that of non-Muslims?

MR. SETALVAD : Yes. The lesser figures are those of non-Muslims. But if you go to the Gujranwala tehsil, you will find these figures with regard to land revenue—Muslims : 3,55,996[3] and the non-Muslims : 5,57,350 —so that the inference is that the non-Muslims are preponderating so far as land revenue is concerned in the tehsil.

MR. JUSTICE TEJA SINGH : What is the number of land owners?

MR. SETALVAD : I will tell you as soon as I can. We have got these figures; they are being added up. In the meanwhile I may give you the acreage also. The total acreage held by the Muslims in the district is 9,65,665 as against a total of non-Muslims' 7,48,832[4]. The acreage in regard to the Gujranwala tehsil reveals a figure of 2,20,830 acres for Muslims and 3,64,686[5] for non-Muslims. Therefore this again bears out the inference which I drew from the land revenue figures as to the ownership of land. The position is clear that the preponderating ownership in the

[1] *Official figures of urban immovable property tax are :*

	Rs.
Muslims (1946-47)	*6,648*
Non-Muslims (1946-47)	*36,368*

[2] *Official income tax figures were received by the Commission on 26 July 1947 and they are as follows :*

	Rs.
Muslims (1946-47)	*52,490*
Non-Muslims (1946-47)	*3,88,184*

[3] *Rs. 3,50,996 according to official figures supplied to the Commission.*

[4] *Official figures of land owned by Muslims and non-Muslims in the Gujranwala District are :*

Muslims	*9,74,551 acres*
Non-Muslims	*5,49,095 acres*

[5] *3,63,585 according to official figures supplied to the Commission.*

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tehsil is that of the non-Muslims. I have been able to get the figures with regard to the question put to me by the Honourable Mr. Justice Teja Singh. The total number of payers of land revenue in the district is 62,774 Muslims and the non-Muslims total up to 34,004 if you take the whole of the district. If you take the Gujranwala tehsil, the figures are Muslims: 23,030 and non-Muslims : 23,184. These are official figures.

MR. JUSTICE TEJA SINGH : You may as well give me total population of the tehsil.

MR. SETALVAD : I will give it to you in a moment.

MR. JUSTICE DIN MUHAMMAD : According to my information the total population of Gujranwala tehsil is 4,66,248, Scheduled Castes : 3,361, Caste Hindus : 54,881, Ad Dharmis : 101, Jains: 1,411, Sikhs : 76,035, Muslims : 2,85,845 and Christians : 44,614.

MR. SETALVAD : Yes, the total population of the tehsil is 4,66,248 of which Muslims are 2,85,845 and non-Muslims comprising all the communities you have mentioned 1,80,403.

MR. JUSTICE MUHAMMAD MUNIR : Have we received any statement about occupancy tenants ?

MR. SETALVAD : The official statement which has been received mentions owners and occupancy tenants. The total of Muslim occupancy tenants in the Gujranwala tehsil is 6,718 and the total of non-Muslim occupancy tenants is 2,813.

MR. JUSTICE MUHAMMAD MUNIR : These are the figures for the Gujranwala tehsil. Have you got them for the whole of the district?

MR. SETALVAD : Yes. Of the occupancy tenants Muslims in the district are 12,361 and the non-Muslims are 4,030[1]. That really gives you the idea as to the position with regard to land, trade and commerce. One thing with regard to trade which is very important is that the whole of the trade between the States of Jammu and Kashmir on the one hand and the Punjab and also various parts of India on the other, passes through the districts of Sialkot and Gujranwala. These are the main features of the Gujranwala district.

I will now pass on to the district of Sialkot. There the Muslim population is 62.09 per cent and the non-Muslims are 37.91 per cent. The north-eastern part of this district is inhabited principally by a class of population called Dogras who are akin linguistically

[1] *The official figure is 4,043.*

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and otherwise to the Dogras of Gurdaspur and Kangra and also of Jammu on the other side of the district. Just as in the case of Gujranwala, where we have the headworks of the Lower Chenab, we have here the headworks of the Upper Chenab Canal located at Marala.

In regard to the figures as to land revenue we have the official figures now. The memorandum mentions unofficial figures. We have now got the official figures and you will find that the amount of land revenue paid by the Muslims is Rs. 8,11,398 as against 7,04,300[1] paid by the non-Muslims.

MR. JUSTICE DIN MUHAMMAD : Page 32 of the memorandum[2] should be corrected accordingly; the Muslims pay an excess of about Rs. 1,07,098.

MR. SETALVAD : Yes. Then we have the figures about taxation which are unofficial. Non-Muslims pay Rs. 1,32,870 as against Rs. 25,311 paid by the Muslims. Income tax—non-Muslims pay Rs. 11,55,142 as against Rs. 3,10,000 paid by the Muslims[3].

Again so far as this district is concerned, in regard to the trade between Kashmir and Punjab and India, particularly the timber trade, the district plays an important part. Timber flows down from Kashmir into the Punjab by Jhelum and Chenab rivers. This is really the centre of the timber trade.

MR. JUSTICE DIN MUHAMMAD : Your information is wrong.

SIR MUHAMMAD ZAFRULLAH KHAN : He only says that the timber flows through the Chenab and the Chenab flows through the district.

MR. SETALVAD : It is really a channel which brings in timber for trade purposes to the Punjab and to the country as a whole. I understand that though the timber passes through this district, the market is down below in the Wazirabad tehsil. This leaves the Montgomery district to be dealt with.

One thing to notice about Montgomery is that the red belt, which you see on that map which I handed over to you yesterday of the non-Muslim majority, extends beyond the limits of the

[1] *The official figure is 7,34,148.*

[2] *Vol. I, p. 342.*

[3] *Official figures of income-tax are as follows :*

	Rs.
Muslims 1946-47	*1,05,023*
Non-Muslims 1946-47	*3,88,005*

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Lahore district into this district. In fact it goes on to Montgomery and beyond, right through the middle of the colony area in that district, that is the Lower Bari. The belt includes large tracts of colony lands and a number of urban areas which really constitute the heart of the Lower Bari Colony. I will mark all these in a new map and hand it over to you, wherein I will be able to mention the exact area, width and so forth. It runs in the manner I have mentioned covering the towns of Renala, Okara, Montgomery and Harappa. It appears from the official figures that the immigrants into this area, Lower Bari Doab, number about 1,70,000. I will read out to you a passage from the *Montgomery District Gazetteer*, 1933, Part A, pages 82-83. It is as follows :

> Immigrants into the Lower Bari Doab Colony (which includes the Khanewal tehsil in the Multan district) number 1,70,000. The main districts of origin in order of importance are Jullundur, Lyallpur, Lahore, Jhang, Amritsar, Hoshiarpur, Ferozepore and Gurdaspur. Further permanent immigration into the Lower Bari Doab Colony is not now likely to occur on any important scale. The Nili Bar Colony on the other hand, which also includes considerable areas outside the district, is still in process of development. Upto the time of the 1931 Census 61,000 immigrants into this colony were reported, of whom the most important districts of origin were Lahore, Amritsar and Jullundur.

MR. JUSTICE DIN MUHAMMAD : These immigrants belong to all communities.

MR. SETALVAD : I believe so. That is shown by the population of the whole district. If you take the belt of territory which I mentioned, you will find a preponderating proportion of non-Muslims. As soon as the map is ready, we will be able to give it to you and the other side.

MR. JUSTICE DIN MUHAMMAD : The four towns are Renala, Okara, Montgomery and Harappa. Have you calculated the total population of this belt community-wise?

MR. SETALVAD : It is being calculated. That will be furnished to you with the area and so on. You will get all details.

MR. JUSTICE DIN MUHAMMAD : Thank you.

MR. SETALVAD : In regard to this district, its importance lies with regard to its economic aspect. The position is that we have

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certain canal colonies of the Punjab. I have already dealt with their origin and the nature of these colony lands. It is essential to the economic stability of the eastern part of the Province that it should have a fair share of these colony lands. If the Lyallpur and Montgomery districts are taken in the Eastern Punjab, then it could get a reasonable share of the colony land which alone can establish its economic balance and economic stability. That is one of the principal grounds apart from the population factor which I have already mentioned and on which we base our claim to the colony lands. The figures which are given at page 13 of the memorandum[1] require alteration in view of the official figures which have arrived. You will notice that we have mentioned there that out of 16.5 lakhs of acres, the Crown lands in these colonies, i.e., Montgomery and Lyallpur districts and adjoining areas, are only three lakh acres while the rest are situated in the western districts. In fact the position revealed by the figures is this. The total is not 16.5 but the final figure omitting the Thal is 18.23. That is in lakhs of acres and that 18.23 does not take into account the Thal area which is 3.65. So the position will be that if we total them up it will be 21.88 and from that you have only 7 lakhs of acres in the Montgomery and Lyallpur districts. Putting the same thing in another way, if these two districts go to the eastern part then this part will get 7 lakhs of acres out of the total which I have already mentioned, because under the notional division no lands are to be found in that part.

One thing to be remembered in the case of these grantees is that they are military grantees. These are grants and rewards for services rendered. I understand that in fact even the people who have rendered service in the last war have been actually granted lands or have been promised grants. All these grants will, according to the notional division, fall in the western part. When these grantees happen to be non-Muslims, whose desire is not to live in the western part, the putting of these tracts in that part would amount to annulment of the grants. You have to bear in mind the congested conditions in the eastern part of the province and you have also to bear in mind that the eastern part has to have land not only on which it can live, but also from which it can make grants to its grantees. One more factor which I have already

[1] *Vol. I, p. 316.*

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partly mentioned is the possibility, I should say probability, of the influx of population into the eastern area. In that connection it will be remembered that large tracts of colony land in the Thal area are yet to be colonized. We have in Montgomery district a large number of Muslim tenants, not landlords. As soon as the tracts in the Thal area are colonized these tenants would be moving up for settling there and such influx of population, which can be naturally visualised in the circumstances, would make room in the Montgomery district, for example, for non-Muslim grantees and colonists. That is a factor which, I submit, should be borne in mind. All these are the considerations which I have mentioned. The economic aspect of the matter is a powerful factor which must, I submit in the case of Montgomery, override the population factor. That is the whole position in regard to that district.

I think, I have dealt with in detail giving you all the available information in regard to all the areas which are the subject matter of my claim. With your permission, what I propose is to close my arguments. As soon as my plans are ready and after hearing my friends who follow me, if I am allotted some time by my side, I will make my submission again.

ARGUMENTS OF THE SIKHS

SARDAR HARNAM SINGH : Mr. Setalvad has put the viewpoint of the Indian National Congress as well as of the Hindu community before the Commission. I have no desire to tread the ground he has covered. I will be making my submission from the Sikh point of view as to how this question, which is before the Commission, touches the Sikh community. But before I do so, I propose to take up one matter which arises out of the terms of reference.

The terms of reference have been very ably analysed by Mr. Setalvad and they are referred to in the memorandum of the Muslim League[1]. The Muslim League viewpoint is that the 'other factors' come into play in the demarcation of the two parts of the Punjab, which are Muslim and non-Muslim majority areas. They contend that in ascertaining the two areas, which are Muslim and

[1] *Vol. I, pp. 285-86.*

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non-Muslim majority areas, these 'factors' do not come into play. The simple question is as to what those factors are and at what stage they come into operation, whether in the demarcation or in the ascertainment of these two areas. I will deal with the second point first as to what those factors are on which the parties may rely in the investigation which is before this Commission. Turning to the Muslim League Memorandum, this Commission would find that there are certain factors mentioned. It says that those factors would come into play and they will have to be taken into consideration. It is on the basis of those factors that the Muslim League has claimed a certain area which is outlined in the plan. What are those factors?

The first factor which is mentioned by the Muslim League is in para 7 of their memorandum[1]. In para 7 of the Muslim League Memorandum, it is stated :

> In other words the boundary should be a workable and practicable boundary from the point of view of administration and should be capable of fulfilling the functions of a boundary between two neighbouring States.

This is one factor which according to the Muslim League must be taken into consideration by the Commission. And further it is stated :

> It should not be a crazy line running backwards and forwards over the areas of several districts and in and out of every village in those districts so as to result not in the separation of two parts of a Province which might each be constituted into a Province but into a nightmare tapestry of a futurist design[1].

The second factor which the Muslim League asks this Commission to bear in mind is mentioned in paragraph 8[1] wherein it is stated :

> Once the standard has been determined, the task of the Commission would be to prepare a map of the Province based upon this standard. That is to say, the map should indicate the population figures and percentages of population of Muslims and non-Muslims in the various Tehsils. The boundary line

[1] *Vol. I, pp. 286-87.*

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> should then be drawn so as to comprise contiguous Muslim majority Tehsils in one area and contiguous non-Muslim majority Tehsils in the other, subject, however, to this obvious modification, that if contiguous to the boundary line that is drawn there are compact majority areas of Muslims or non-Muslims extending beyond the limits of a Tehsil, such compact majority areas must go with the neighbouring Tehsil into the majority areas of Muslims, or the majority areas of non-Muslims, as the case may be[1].

They refer, I believe, to the geographical situation of the various communities in the province and suggest that according to the needs of the situation the geographical factor is a very powerful factor in the demarcation of the boundary line.

The third point which has been emphasised by the Muslim League is precisely the same which was mentioned by Mr. Setalvad and that is that there must be some rationalization of the canal system. You cannot put the head of the canal in one state and the tail of the same canal in the other. The Muslim League point is :

> If on demarcating the boundary line on the principle of contiguous majority areas it is discovered that the Head Works of an irrigation system which in its entirety or in the main, serves one part of the Province, lie in the other part, a deviation of the boundary line, which would not involve the transfer of any considerable section of the population from its majority area to a minority area, may be adopted to adjust the boundary so as to include the Head Works in the same part of the Province which the irrigation system is mainly designed to serve.

How this factor is going to influence the judgment of the Commission is for the Commission to decide but the point which I want to bring to the notice of the Commission is that the same factor has been used by both the parties to claim area for themselves.

The next point to which I would draw your attention is stated in para 17 of the Muslim League Memorandum[2]. Therein it has been emphasised that care must be taken in demarcating the boun-

[1] *Vol. I, p. 287.*
[2] *Vol. I, pp. 289-90.*

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daries to avoid possibilities of interstatal disputes and friction. No commission can help disputes arising between different states but the task of the Commission according to the Muslim League is to avoid as far as possible friction and mischief between the two states and demarcate the boundaries keeping that end in view. They say that if for the avoidance of this possibility, it became necessary to place a non-Muslim majority area into the Muslim state of Pakistan, it is immaterial. According to them a non-Muslim majority area can be placed in Pakistan provided it serves the purpose of avoiding interstatal dispute and friction. This is what they say in paragraph 17 :

> There is one important 'other factor' which must be taken into account in the demarcation of the boundary on the basis above set out. The Canal Head Works of the Upper Bari Doab system are situated at Madhopur in the Pathankot Tehsil of the Gurdaspur District. The whole of the irrigation system of the Upper Bari Doab serves areas which would be comprised within West Punjab, the Head Works and a stretch of a few miles of the canal alone being within East Punjab. This would involve a serious anomaly and would give rise to possibilities of friction and mischief between the two States. There would at least be serious apprehension on the part of the population of the upper part of the Bari Doab, Muslim as well as non-Muslim, that its prosperity and indeed, its very means of livelihood may be put in jeopardy if the Head Works and the portion of the canal in the Pathankot Tehsil are not properly looked after and maintained at an efficient level[1].

They therefore argue that a part of the Pathankot tehsil where Muslims will be 45.4 per cent and the non-Muslims 54.6 per cent should be included in the state of Pakistan.

This Commission would further find an important matter dealt with in paras 25 to 28[2]. These four paras deal with another important matter which is relevant to the investigation before you and that is the factor of economic stability referred to by Mr. Setalvad, that is there must be economic stability; at least an attempt must be made by the Commission to see that the two

[1] *Ibid.*
[2] *Vol. I, pp. 293-94.*

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parts of the Punjab, which are carved out of one province i.e. East Punjab and West Punjab, remain economically stable. This is the factor which was referred to by Mr. Setalvad. This is the factor which we have been stressing all along that the economy of the province and the economic stability of the Eastern Punjab should be kept intact. This is an important factor. Now this again is the stand taken up by the Muslim League. They say that the factor of economic security must be taken into account. They go further and say that the Commission ought to take judicial notice of the source of the non-Muslim wealth. They say that the non-Muslim property has been purchased from the proceeds of money-lending which have gone into the coffers of the Hindus and Sikhs. It is with the money got from the Muslim sources that the Hindus and Sikhs have purchased all this property. They say that economic stability is an important factor but they also say that judicial notice must be taken of the sources of Hindu-Sikh wealth. You will therefore see that at least on one point we are agreed that the factor of economic stability is a very important factor and no commission has yet ignored it and it cannot be ignored. While on this point I refer this Commission to certain passages in the Muslim League Memorandum. Paragraph 25 of the memorandum says:

> It must further be submitted that one of the factors behind the Muslim demand for the division of India was the exploitation of the Muslims by the non-Muslims, whereby the resources and the wealth of the Muslims were subjected to a continuous drain which served to augment the wealth and resources of the non-Muslims. That demand having been conceded, it would be the height of irony to deprive Muslims of areas in which they constitute a majority of the population on the basis that the non-Muslims had in the past successfully carried out exploitation of the wealth and resources of the Muslims in that area. It is a fact of which the Commission would take judicial notice that the colony areas of Shahpur, Lyallpur, Sheikhupura, Montgomery and Multan districts were all owned by Muslim tribes whose principal source of wealth lay in cattle and constituted their grazing lands. With the advent of canal irrigation in these areas the greater part of the land of these areas was declared to be Crown waste and was sold or granted to people from other

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districts of the Punjab[1]

I do not know what material there is to say that these areas once belonged to the Muslims. If there is some material, official or otherwise, the Commission will take note of it. At present I am concerned with the fact that the League has come before this Commission and says that not only take into account the future economy, the future economic stability of the two provinces, but also take judicial notice of how this property has been purchased by the people. As regards the economic security you will find that para 28[2] deals with it. They say that the Muslim state is a very small state as compared with the other state, India. According to them there is no comparison between the states of Pakistan and India and there they contend that you must be generous towards Pakistan otherwise it would not be economically stable. Now it may have some force, but with what I am concerned at present is that economic stability according to them is an important factor. Whether it is to be applied in the way in which they suggest or it is to be applied in the way in which I suggest is for the Commission to decide. I submit before this Commission that there is no denying the fact that in such a case as the case of the Boundary Commission the economic stability factor is a factor which cannot be ruled out.

Then the Commission will find that Mr. Setalvad said something about the Sikhs but he left it to me to develop that argument. He suggested that the Sikhs occupy a special position in the Punjab. What that special position is I will endeavour to place before the Commission. I have said that the Sikhs occupy a special position and I propose to elaborate that position at a later stage. Now please read para 29 of the Muslim League Memorandum[3]. In that para the stand taken up by the Muslim League is that the Sikhs occupy a special position and an attempt ought to have been made to safeguard that position, but for the fact that they have joined hands with the Hindus and have forfeited their claim to that consideration. Para 29 of the Muslim League Memorandum reads as follows:

A peculiar feature of the position adopted by the Sikh com-

[1] *Vol. I, p. 293.*
[2] *Vol. I, p. 294.*
[3] *Vol. I, pp. 294-295.*

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munity is that for all purposes of partition it has chosen to merge itself into the Hindu community, from which the conclusion must follow that its interests are identical with those of the Hindu community and yet it continues to press for special consideration. If partition had been forced upon the Sikhs and they had found themselves in the position of a helpless minority, which had perforce to submit to partition against its will there might have been something to be said in favour of its interests being specially safeguarded in carrying out the partition. But the Sikh community have themselves been foremost in urging the partition of the Punjab and have for this purpose secured the support of and made common cause with the Hindus[1].

That is a matter of argument, whether we have brought about this state of affairs in this land or it is, as suggested by the Muslim League itself in para I of their memorandum[2], a consequence of the division of India. The Muslim League states in para I of their memorandum[2]: "It will keep in view the larger background which has necessitated the division of India and ultimately in consequence the partition of the Punjab." So in para I they admit that they have put forward the claim for the partition of India and the partition of the Punjab as a corollary of that claim. There would not have been any division of the Punjab if the Muslim League did not demand partition of India into India and Pakistan. Therefore to say that it is the Sikhs who have brought about this situation in the Punjab is a matter which requires some argument. At present I only suggest that according to them the special interests of the Sikh community require some safeguards, but they say that those safeguards should not be available to the Sikh community for the simple reason that the Sikhs and the Hindus are sailing in the same boat. You know by now the result of voting of the members of the Punjab Legislature on the question of partition, on the question of entering the existing Constituent Assembly or a new Constituent Assembly. All the Hindu members, including the Scheduled Caste members and all the Sikh members from both parts of the Punjab voted in favour of the existing Constituent Assembly. This is a fact. It cannot be denied. They have voted for Indian Union. It is clear from the Muslim League Memorandum

[1] *Ibid.*
[2] *Vol. I, p. 281.*

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that they pressed their claim for Pakistan to a breaking point and that claim has now been conceded and this question of the partition of the Punjab has come before this Commission as a corollary to that.

I, now, come to the last paragraph of this memorandum, para 30[1]. Here they say that the Christians have submitted a memorandum. We know by now that Dewan Bahadur S.P. Singha has submitted a memorandum which purports to represent the views of the Christian community. I know, however, that the Secretary of the Indian Christian Association has put in another memorandum which supports the Hindu and Sikh point of view. Therefore whether Mr. Singha represents the Christian community or some other people represent it, we do not know. I have not made any investigation into that matter. I also do not know whether this Commission is going into that matter. All I know is that for the purposes of this investigation there are only two communities, the Muslims and the non-Muslims. That basis has to be accepted and when you are going to ascertain contiguous majority areas, it is the contiguous majority areas of Muslims and non-Muslims. You are not going to hold a referendum as to the wishes of the Christian community or some other community. For instance, you can get hold of one Sikh out of 57 lakhs who may be prepared and willing for some consideration to put in a memorandum before this Commission opposing the Sikh point of view.

MR. JUSTICE MAHAJAN : Is it 37 or 57 lakhs?

SARDAR HARNAM SINGH : Thirtyseven lakhs in British India and 57 lakhs including states. I do not know what is the motive behind that memorandum, whether it is a job here or a job there. I do not know. I do not hold any brief for other communities. But the plan proceeds upon the basis of non-Muslims being lumped up together.

MR. JUSTICE TEJA SINGH : Is it your position that if the Muslims and Christians taken together outnumber the other non-Muslims, then that cannot be taken into consideration ?

SARDAR HARNAM SINGH : That is precisely my contention because you cannot lump together the Muslims along with some other community according to the terms of reference and according to the announcement of 3 June 1947[2]. What you are required

[1] *Vol. I, p. 296, Incidentally the last paragraph in the Muslim League Memorandum is No. 33.*

[2] *Vol. I, p. 4.*

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to do is to demarcate the two areas, one Muslim and the other non-Muslim.

MR. JUSTICE MUHAMMAD MUNIR : Can Christians constitute a factor or can they not constitute a factor?

SARDAR HARNAM SINGH : They constitute a factor and that factor is when you take the non-Muslim population into consideration.

MR. JUSTICE MUHAMMAD MUNIR : But they are a factor?

SARDAR HARNAM SINGH : The Christians are a factor, but in what respect? In determining whether an area is a Muslim majority area or a non-Muslim majority area—the Christian community should be included in the non-Muslims. To that extent the Christian community is a factor. There are two factors to be taken into consideration, one is the population factor and the other 'other factors.' In the population factor every community comes in and either it goes with the Muslim community or it goes with the non-Muslim community.

MR. JUSTICE MUHAMMAD MUNIR : The solidarity and integrity of Christians would be a factor?

SARDAR HARNAM SINGH : It will be a factor, but only on population ground, population basis. I again stress that on the population basis the Christians cannot be lumped up with the Muslim community to carve out a Muslim majority area. I stress that point. Therefore they suggest that the apprehensions of the Christian community must be taken into account and I suggest with greater force that the apprehensions of the Sikh community must be taken into account. As far as the Sikhs are concerned, this Commission must note at this stage that the Sikh Memorandum[1] is fully representative. It is signed by 32 out of 33 members of the Punjab Legislature belonging to the Sikh community. One member was not available in Lahore on that date and therefore could not append his signature. I have instructions for and on behalf of that member, S. Partap Singh, who had gone on an urgent piece of business outside Lahore to Delhi. I have instructions on his behalf to submit to this Commission that he is in full agreement with the memorandum[1] and I have been instructed to represent him also. Therefore the Sikh Memorandum[2] can be deemed to have been signed by all the thirty-three members of the Legislature represent-

[1] *Vol. I, p. 347.*
[2] *Ibid.*

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ing the Sikh community whether they belong to the Eastern Punjab or to the Western Punjab. In the memorandum they express a fear and apprehension that their destinies would not be safe in the Western Punjab. I do not know how far you are going to act upon the just apprehensions of the Christian community, but when the Muslim League puts forward this viewpoint that in the non-Muslim group there is an element and that element expresses its desire to be placed in the Western Punjab, how can they come forward and say that the solidarity and integrity of the Sikh community is not a factor. That is my point of view.

MR. JUSTICE MAHAJAN : You do not suppose us to decide matters by estoppel?

SARDAR HARNAM SINGH : No, but by pleadings. Therefore at this stage I only wish to draw attention to the Muslim League claim. They say in paragraph 33 of the memorandum[1] that the sole question before this Commission is the ascertaining of Muslim and non-Muslim majority areas. That is the sole question. This is the last paragraph of this memorandum and according to their own case before this Commission there is no question of sub-dividing non-Muslims into various elements. Therefore my submission was that the factors which have been mentioned by the Muslim League in their memorandum are briefly, geographical situation, administrative convenience, avoidance of interstatal disputes, apprehensions of a community and economic security. These are the factors which have been placed before this Commission by the Muslim League and if you find that these factors are supported by precedents they must be acted upon. That is my point. They may not bind the Commission but if you find that all these factors have always been taken into account in the demarcation of the boundary line between two independent states, and in this case they are admitted by both sides and both sides rely upon precisely the same factors, I submit that no dispute as to the nature of the 'other factors' arises in this case. Mr. Setalvad submitted 'factors' vary from place to place, from one country to another, from one province to another. What may be a very good and powerful factor in the Punjab may be no factor in Bengal and what may be a good factor in Bengal may not be a good factor in the Punjab. Therefore these factors have varied from place to

[1] *Vol. I, p. 296.*

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place, from country to country and from province to province. All I submit is that the parties concerned in this case are agreed upon the relevancy of certain factors. Whether these factors will go to build up the case of the Muslim League or whether they build up my case is a consideration apart. Therefore I thought that it would be well if I drew the attention of this Commission to the 'factors' admitted by the Muslim League in their memorandum[1].

The second thing that arises in this connection is as to when these factors come into play and before I make my own submission I will again in this connection draw the attention of this Commission to certain passages in the Muslim League Memorandum[1]. I refer to paragraph 6 of the Muslim League Memorandum. It reads :

> The function of the Boundary Commission described in this paragraph is to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and in demarcating the boundaries the Commission may take into account other factors and make local adjustment in the boundary so, however, that no considerable section of the population in a local area is transferred from a majority area to a minority area[2].

In another part of the same paragraph they say that "other factors, whatever character they may possess, cannot be taken into account in ascertaining the contiguous majority areas of Muslims and non-Muslims." The point which is sought to be made by the Muslim League is that the 'other factors' may be taken into account while demarcating the boundary line but not during the process of investigation into the boundary question. In other words, according to the memorandum of the Muslim League[2] the 'other factors' do not come into the picture at all except at the last and final stage when the boundary line is sought to be demarcated and at that stage merely to regularise little angularities. That is the position taken up by the Muslim League. In other words, the Commission is debarred from taking into account the 'other factors' referred to in their memorandum[2] during the process of ascertaining the contiguous majority areas. I submit this is an

[1] *Vol. I, p. 281.*
[2] *Vol. I, p. 285.*

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erroneous construction and this was not intended. The final phase of demarcating the boundary line is a surveyor's job. It requires no Commission, no judicial decision. Once the areas on the basis of population and other factors are ascertained, once you come to the conclusion that here is a tract of the country which is a non-Muslim majority area, a non-Muslim majority area on the basis of population subject to 'other factors', then the rest is obvious. It is simply a surveyor's job. The terms of reference make it abundantly clear that the phrase 'in doing so' relates to ascertaining the contiguous majority areas of Muslims and non-Muslims and has no relation to the demarcation of those areas at the final stage. That is my point. If, when you are ascertaining the contiguous majority areas of Muslims and non-Muslims, you do not take into account the 'other factors' and you carve out two areas, one a Muslim majority area and the other a non-Muslim majority area, then the 'other factors' have got no function.

I may illustrate my point in this way. Beginning with the Indus river up to the bank of the river Jumna, there is a vast tract of country which at present constitutes the Punjab and in the aggregate is a Muslim majority tract. According to the census figures of 1941 the Muslims form 57 per cent of the population of this whole tract. Take for instance the other way round: beginning with Jumna go up to the river Jhelum. In the aggregate and ultimate analysis of population, this will be a non-Muslim majority area. I have set out those figures in paragraph 10 of my memorandum[1]. From the bank of river Jumna up to the bank of river Jhelum, Muslims will be 1,07,61,560 as against the non-Muslims who number 1,11,84,886.

MR. JUSTICE MAHAJAN : Excluding two districts?

SARDAR HARNAM SINGH : Yes, excluding two districts.

MR. JUSTICE DIN MUHAMMAD : Which is the page?

SARDAR HARNAM SINGH : At page 5[2]. Excluding Multan and Jhang districts. I have excluded them on some purpose. There is some history behind it. Multan and Jhang districts were not part of the province of Lahore. They were not parts of the Punjab proper. Historically speaking, these two districts were added to the Punjab proper by conquest by Maharaja Ranjit Singh and there is

[1] *Vol. I, p. 288.*
[2] *Vol. I, p. 350.*

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the trans-Jhelum area which was also added to the Punjab by conquest by Maharaja Ranjit Singh and therefore I say that if you begin from one end and go up to the bank of river Jumna and take all that area of the Punjab which was originally the land of the five rivers, barring those areas which were added to the Punjab as a result of the conquests of Maharaja Ranjit Singh, you will find a contiguous non-Muslim majority area. But this would not work under the scheme. Begin with the Ambala division. You find it is a non-Muslim majority division, not only a non-Muslim majority division but the 'other factors' also help non-Muslims. You go to Jullundur division, you find the same situation. Ambala and Jullundur divisions present a common feature, the common feature being that they are non-Muslim majority divisions not only in the aggregate but district-wise and 'other factors'—the economic security factor, the wishes of the people, the attitude of the people, the historical traditions, the linguistic considerations—also go in favour of the non-Muslims and for this reason I submit that these two non-Muslim majority divisions must form part of the East Punjab. But when you enter the Lahore division you have to cross a hurdle. Barring Amritsar district and it may be that there is very little doubt with regard to Gurdaspur, but when you come to Lahore district, you find that it is a Muslim majority district. In the case of Lahore district, population factor goes in favour of the Muslim claim. The question arises how can we include it in the non-Muslim Punjab and the answer is that you cannot include it in the non-Muslim Punjab if 'other factors' are not so powerful as to override the population factor. Once you come to that conclusion, then you have to proceed further.

Therefore my submission is that it is not in the demarcation of the Muslim and non-Muslim majority areas that these factors come into play as suggested by the Muslim League but it is in the ascertaining of Muslim and non-Muslim majority areas that the 'other factors' come into play. It is during that preliminary stage of investigation and enquiry that these factors come into operation. If they do not come into operation during the investigation, what use is there for considering these questions in the ultimate demarcation of the boundary. Paragraph 9 of the terms of reference makes out in explicit terms that this Boundary Commission will make detailed investigation into the boundary question involved.

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The Commission will make a detailed investigation, I repeat again, into the boundary question involved. The claim of the Muslim League is that the investigation has got nothing to do with these factors and that in the investigation it is only the population factor that comes into play. There is no warrant for placing this construction upon the terms of reference and I submit that the 'other factors' come into the field during the investigation into the boundary question.

With these preliminary observations with respect to the terms of reference, I now come to another point. That point was referred to by Mr. Setalvad, but I have got one or two matters to bring to the notice of this Commission with respect to that question. The question is with respect to the migration of population. The question of migration of population has been before the public and before the authorities that be for some time past. On the 3rd June 1947 the Announcement was released and on the 4th June 1947 the Viceroy at a press conference[1], adverted to the question of transfer of population. His attention was particularly drawn to this aspect of the matter and he said that he did not see any possibility of mass transfer of population. Of course, the transfer of population implies the transfer of property for nobody can prevent anybody from going from one place to another. He said that two things were clear to him. One was that lakhs of people who had crossed the border will settle themselves in the Eastern Punjab and will not like to go back to the Western Punjab. That is one thing. Secondly he said that one thing appears to him to be definite that perhaps governments will take steps to transfer populations in the case of border districts. He said that it was not so much a question for the main parties as for the local authorities living in the border areas to decide.

MR. JUSTICE DIN MUHAMMAD : Will you please read out the whole passage?

SARDAR HARNAM SINGH : I will read it out. It is as follows :

Q. Do you foresee any mass transfer of population?

A. Personally I don't see it. There are many physical and practical difficulties involved. Some measure of transfer will come about in a natural way. That is to say I have a

[1] *Vol. I, p. 137.*

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> feeling that people who have just crossed the boundary will transfer themselves[1].

MR. JUSTICE DIN MUHAMMAD : Your argument was just the reverse of it.

SARDAR HARNAM SINGH : That is what was intended and His Excellency illustrated that 'natural transfer' without any compulsory measures being adopted. Proceeding further His Excellency is reported to have observed :

> Perhaps Governments will take steps to transfer populations. Once more this is a matter not so much for the main parties as for the local authorities living in the border areas to decide[1].

This means, as is mentioned in the Sikh Memorandum, under the head 'Geographical Position of the Sikhs' at page 21[2], that in case you draw a boundary line across river Ravi, the result would be that on the frontiers of Pakistan as also of Hindustan, the non-Muslim population, I mean the strong and virile community of Sikhs, will be concentrated. His Excellency referred to it and said that if this was done, then from the strategic point of view, it would be an unsound proposition to allow these hostile people to occupy the frontiers of the two states. Therefore in the interests of both the states it would be well and proper to transfer those people from one side to the other. His Excellency has referred to this aspect of the matter. It is not a sound proposition from any point of view to allow the Sikhs to remain on the borders of India and also on the borders of Pakistan. A similar situation arose in the Middle East. Kurds were divided into four independent sovereign states of Syria, Iraq, Persia and Turkey. Those areas in which Kurds were living were geographically contiguous. The League of Nations found it a difficult task to administer those areas. I can very well appreciate if some part of the Sikh population were situated in the Ambala division and the other part of the Sikh population were situated in the Rawalpindi division, then there will be no difficulty from any point of view whatsoever. But if this community is divided and if it is situated on the frontiers of the two states and occupies that position, then there will be administrative difficulties of a serious character. All I understand

[1] *Ibid.*
[2] *Vol. I, p. 357.*

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from the press conference of the Viceroy is that this is the proposition which is to be examined by this Commission and people will have to be transferred from one area to the other and the consolidation of the Sikh community maintained in the Eastern Punjab. I reinforce my argument by the broadcast speech of the Viceroy which was read before this Commission, wherein the Viceroy said:

> All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent[1].

All the 37 lakhs of Sikhs cannot be amassed in one conglomerate whole in the Eastern Punjab. No scheme can be devised which can amass these 37 lakhs of the Sikh population in the Eastern Punjab. That can only be done if the boundary line goes from Jumna to Indus. The words of His Excellency are "the exact degree of the split of the Sikh community will be left to the Boundary Commission." I therefore stress that one of the matters which has been left to the Boundary Commission is to minimize the split of the Sikh community as far as possible. The minimization of the Sikh community's split is the task left to you.

MR. JUSTICE DIN MUHAMMAD : That is not the correct interpretation. The words are 'the exact degree of the split will be determined by the Boundary Commission' and nowhere is it stated that the task of the Boundary Commission is to minimize the split.

SARDAR HARNAM SINGH : His Excellency is reported to have said that the situation was unfortunate and the Sikhs would be divided to a greater or lesser extent and the extent has to be determined by the Boundary Commission. If it is conceded that the Punjab has been divided for the benefit or at the express wishes of the Sikh community, surely the decision to divide the Punjab was not taken to harm the Sikhs. The Sikhs have been split up and His Excellency in his broadcast[2] has suggested that that split is not to be accentuated; it has to be minimized and it is the Boundary Commission who can do the task.

MR. JUSTICE DIN MUHAMMAD : But nowhere has this been mentioned in the broadcast or in the press conference. The question put to His Excellency was :

[1] *Vol. I, p. 2.*
[2] *Ibid.*

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Q. The question is how to keep the integrity of the Sikh community intact. What is the provision that you have made in this plan to keep the integrity of the Sikh people intact[1]?

The reply was :

I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the Resolution in the form they wanted. They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs, I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician. I am an ordinary human being. I believe that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems.

How do you stress the fact that it was the intention of His Excellency that this Boundary Commission should minimize the misfortune in which the Sikhs have placed themselves?
SARDAR HARNAM SINGH : What I have suggested is an explanation of the broadcast, that one of the matters which are to come before the Boundary Commission is the split of the Sikh community and the Boundary Commission surely has not been set up to aggravate that split.

We can examine the same thing from another point of view. The total Sikh population in the province is 37,57,401 and out of this population those in the western districts of the province number 16,83,853. In other words, according to the notional division 21 out of 37 lakhs Sikhs are in the Eastern Punjab and even this situation has been described as unfortunate by His Excellency. Now the plan which the Muslim League has put before the Boundary Commission demarcates the line in such a way that out of 37 lakhs as many as 25,91,734 Sikhs are left in the Western Punjab. Surely that was not what the Viceroy meant in his broadcast message.

Now while I am on this subject I am reminded of a statement

[1] *Vol. I, p. 19.*

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made by Mr. Muhammad Ali Jinnah. On the 1st of May 1947 in a press statement he dilated upon this aspect of the matter. While speaking on this subject Mr. Jinnah stated :

> It is obvious that if the Hindu minority in Pakistan wish to emigrate and go to their homeland in Hindustan they will be at liberty to do so and vice versa, that is the Muslims who wish to emigrate from Hindustan can do so and go to Pakistan and sooner or later an exchange of population will have to take place and the Constituent Assemblies of Pakistan and Hindustan can take up the matter and subsequently the respective Governments in Pakistan and Hindustan can effectively carry out the exchange of population[1].

MR. JUSTICE DIN MUHAMMAD : Is it a fact that at that time all communities including the British condemned the statement as impracticable and unfeasible?

SARDAR HARNAM SINGH : This was on the 1st of May. Lord Ismay left India with the complete plan on the 2nd of May 1947. This statement was made when Lord Mountbatten's plan was complete in all respects. I was one of those who met Lord Ismay on the 30th of April and I knew this plan on that date. Therefore I submit that it does not relate to a time when everybody thought that the scheme was impracticable and unfeasible. I have got earlier statements also but I am not referring to those. Therefore I am submitting that this exchange of population according to Lord Mountbatten may come about in a natural way or the authorities may have to take up the matter, or according to Mr. Jinnah the two Constituent Assemblies may have to take it up. After all what is the reason for this division? The reason is that the Muslim League has always claimed that the Muslims constitute a separate nation, have separate outlook and culture and that they want their own development in a free manner. So if a 42 per cent minority is concentrated on the borders of Pakistan with all sorts of affiliations, linguistic, cultural, social and matrimonial with the state of Indian Union, there can be no peace in the country.

[1] *The relevant portion of the statement as reported by the Civil & Military Gazette, Lahore of 1st May 1947 is reproduced below :*

Mr. Jinnah also says that a change of population will have to take place and "The Constituent Assemblies of Pakistan and Hindustan can take up the matter and subsequently, respective Governments in Pakistan and Hindustan can effectively carry out the exchange of population, wherever it may be necessary and feasible".

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I submit that we have to deal with the problem of transfer of population. And if the transfer of population is going to come about, the next question arises who will transfer themselves? It is an easy matter for a legal practitioner to transfer himself. It is not a difficult matter for a medical man to transfer himself. It is not very difficult for the labour to go over to the other side but it is a difficult job for the people who are in possession of land. They are the people who are in a way rooted in the soil. They cannot leave the place. Landless people have no interests attached to any areas. They will go where they find work. It may be that after the division of the Punjab, if there are economic and other sorts of boycotts, the landless labour not attached to the soil will have to transfer themselves. It was in this connection that Mr. Setalvad mentioned the Thal Project, which it is expected will afford relief to about a million tenants. The landless people will have to transfer themselves and find work elsewhere. Therefore I submit that this is a very important point and the possibilities of transfer have to be kept in view.

In the Lahore district out of the total annual land revenue of about 18 lakhs, I am not quoting exact figures, 13 lakhs are paid by the non-Muslims and out of 13 lakhs, 12 lakhs are paid by the Sikhs alone[1]. Now in the face of these figures you can say what is the exact extent of holdings of each community in the district of Lahore. The peasantry in this district has small holdings and Lahore district is not a district of landed proprietors, it is not a district of rent receivers but it is a district of peasants. Therefore if that be the result of your investigation, the district of Lahore, so far as peasantry is concerned, belongs to the people of the soil and the Muslims will have to find employment elsewhere. I submit that Mr. Abell is eminently right in saying that Muslims in Lahore are menials and town dwellers and landless people. Exclude the town of Kasur and the police station of Gandasinghwala and the Hithar area of Chunian tehsil and the town area of Lahore, then the whole of the district of Lahore is a non-Muslim majority district. All that portion is not irrigated by the Upper Bari Doab Canal. If you exclude all that area and collect the population figures you

[1] *The official figures received in the Commission's office are reproduced below :*

Total land revenue of the Lahore District	*Rs. 18,44,915*
Land revenue paid by non-Muslims (including Sikhs)	*Rs. 12,63,680*
Land revenue paid by Sikhs alone	*Rs. 11,13,579*

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will find the result is that the major part of Lahore district is a non-Muslim majority area.

MR. JUSTICE MAHAJAN : Is it right or wrong that Hithar portion is non-Muslim majority area? We have received a memorandum from the Hithar tract saying so[1].

SARDAR HARNAM SINGH : That is wrong. I am placing figures. I am at present illustrating the point of transfer of population. I submit that according to the 1941 Census figures Lahore district has 60.6 per cent Muslim majority but exclude Lahore itself, the rural Muslim population is reduced to 58 per cent. Taking the district as a whole the Sikh holdings are 67.7 per cent of the total. And if you exclude the Hithar portion of Chunian tehsil and the towns of Kasur and Lahore and the police station of Gandasinghwala, which areas are Muslim majority areas and are not irrigated by the Upper Bari Doab Canal, then the remaining portion of Lahore district is a non-Muslim majority area in which the Sikhs would be having about 75 per cent of the holdings. My submission therefore is that when you are examining the possibilities of transfer of population you will have to take into account the extent of floating population.

MR. JUSTICE TEJA SINGH : Which is the Hithar portion in the map?

SARDAR HARNAM SINGH : It is the portion along the river. This portion is not watered by the Upper Bari Doab Canal.

MR. JUSTICE TEJA SINGH : The memorandum of the Hithar people is that this portion of Chunian, which you say is not watered by the Upper Bari Doab Canal, is divisible into two parts, one of which is contiguous to Sutlej. They say that it is a non-Muslim majority area.

SARDAR HARNAM SINGH : I have not seen that memorandum. I am submitting with regard to the question of the transfer of population. My point in placing these figures before the Commission is that when you are examining the possibilities of migration which are referred to in the statements of His Excellency the Viceroy and Mr. Muhammad Ali Jinnah, then I say that the possibilities are that landless people who are not rooted in the soil of the district, will have to be transferred. It is an impossible task to uproot the peasantry of any district. Therefore in the

[1] *See Vol. I, p. 474 for a list of memoranda received upto 18 July 1947.*

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matter of the demarcation of the boundary line the wishes of the people are to be considered. But certainly the wishes of the 'floating people' are not entitled to as much weight as the wishes of those people who are rooted in the soil of the district. The floating people may have a say in the matter but their wishes are not entitled to that weight. What is the exact extent of the floating population, it is hard to determine. But this Commission may take into consideration certain figures I compiled from the census tables.

MR. JUSTICE MUHAMMAD MUNIR : Have we not yet received the official figures showing the number of proprietors community-wise and the number of occupancy tenants community-wise in the district of Lahore?

SARDAR HARNAM SINGH : I believe not yet.

MR. JUSTICE MUHAMMAD MUNIR : I understand that these figures have arrived[1].

SARDAR HARNAM SINGH : I have not seen these figures yet. I will examine and place them before the Commission. I am referring to para 12 of my memorandum[2]. These figures were not collected in the 1941 Census. In the 1931 Census these figures for races, tribes and castes etc. were collected. You will find that out of the total Muslim population of 1,49,29,896 in 1931 as many as 46,95,957 consisted of fakirs, beggars, weavers, herdsmen, cobblers, *kumhars* or potters, *musallis*, carpenters, oilmen, bards, barbers, blacksmiths, washermen, butchers and *mirasis*, people who are described in the settlement reports as landless people and menials.

MR. JUSTICE DIN MUHAMMAD : Who are your ministers in the British Government? One man, one vote.

SARDAR HARNAM SINGH : With due deference, I say that in the political institutions that has become the rule and that rule is going to stay, but not in the matter of the division of the country. I say that these people will transfer themselves and vote in the

[1] *The official figures for Lahore district received in the Commission's office were the following :*

	Land-owners	*Occupancy tenants*
Muslims	*93,660*	*16,101*
Non-Muslims (including Sikhs)	*1,04,129*	*12,529*
Total	*1,97,789*	*28,630*
Sikhs alone	*78,477*	*8,777*

[2] *Vol. I, p. 350.*

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other part because ...

MR. JUSTICE TEJA SINGH : There are greater opportunities and greater facilities.

SARDAR HARNAM SINGH : Yes and a common outlook. One man, one vote, that is all right, but not in the matter of the division of the country. For the past 7 years the cry has been that democracy is not suited to India and therefore there should be the partition of this country. The Muslim League demand for Pakistan has proceeded upon that basis that 'one man, one vote' is not suited to this country. Therefore I say that if you examine the possibilities of transfer of population and if you take into account those possibilities in the demarcation of the two parts of the Punjab and in the ascertainment of contiguous Muslim and non-Muslim majority areas, then I submit that this factor will help the non-Muslim case before this Boundary Commission.

(At this stage the Commission rose for lunch and reassembled at 2.00 pm when Sardar Harnam Singh continued his arguments.)

SARDAR HARNAM SINGH : Another matter that requires your consideration is the meaning that you are going to place upon the phrase "contiguous majority areas." Mr. Setalvad dwelt on this point at some length and elaborated it. I will only be placing before this Commission a memorandum submitted to this Boundary Commission by the Ahmadiyya community[1]. I understand that the counsel for the Muslim League is one of the most important members of the Ahmadiyya community and I believe that the Muslim League supports that memorandum. Page 9 of the memorandum is relevant on this point of contiguity. It reads as follows :

> Other factors, therefore, cannot possibly mean property or other qualifications of this kind. Nor can they entail a denial of majority rights. They pertain only to such claims and considerations as may be taken into account while settling minor details of the boundary line. We have some examples in view. It may turn out, for instance, that a large majority area belonging to a certain community is surrounded by a narrow ring of villages

[1] *Vol. I, p. 428.*

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> belonging to another community. It would then be legitimate for the Commission to rule that although a certain population has put a ring round another large population, this narrow ring will not prevent this large majority area from being joined on to areas holding the larger population of the other community[1].

MR. JUSTICE DIN MUHAMMAD : If we are to be guided by all the suggestions and directions made in the various memoranda, we must be lost in the maze of absurdities.

SARDAR HARNAM SINGH : It is legitimate for me to refer to a memorandum filed by another important community, especially if I find that one of the leaders of that community is briefed for putting the Muslim League view-point before this Commission.

SIR MUHAMMAD ZAFRULLAH KHAN: We must protest. We have only one leader and we have no other leader and I am not even an important member of this community. Please do not talk on matters of which you know nothing at all.

SARDAR HARNAM SINGH: It is legitimate for me to say that this memorandum supports me on that point.

MR. JUSTICE MUHAMMAD MUNIR: You can adopt it as your own argument rather than invoking the authority of a memorandum.

SARDAR HARNAM SINGH: Authority it may have nothing and it may be something which may be wholly unreasonable. I am submitting how the Ahmadiyya community interprets the phrase 'contiguous majority areas' used in the announcement[2]. That is the sole point. I am putting that view-point and I will use it for any purpose that I like:

> It would then be legitimate for the Commission to rule that although a certain population has put a ring round another large population, this narrow ring will not prevent this large majority area from being joined on to areas holding the larger population of the other community. If, however, the ring is wide, then in fairness the pocket should go to the community which has contiguous majority area round it[3].

SIR MUHAMMAD ZAFRULLAH KHAN: Do you agree?

[1] *Vol. I, p. 434.*
[2] *Vol. I, p. 6.*
[3] *Vol. I, p. 434.*

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SARDAR HARNAM SINGH: Let me finish. Does the Muslim League adopt it or not? No exchange of words across the table please. The memorandum runs:

> To take another example, it is also possible that a large stretch of contiguous area in which a certain community is in majority is interrupted by a small area of another community[1].

Take for instance the Nankana Sahib tract or parts of Lyallpur, Sheikhupura and Gujranwala districts. In this non-Muslim majority tract, out of six lakhs and odd non-Muslims, the Muslims are two lakhs and thirty thousand. There intervenes a very small Muslim area between this contiguous majority tract and another very big non-Muslim majority tract in the Bari Doab. The question is whether this very small Muslim area destroys contiguity between two large blocks of non-Muslim population. I am reading this memorandum:

> To take another example, it is also possible that a large stretch of contiguous area in which a certain community is in majority is interrupted by a small area of another community. But beyond this area we again have contiguous majority area belonging to the same community. In that case a small interruption in the contiguity of a large population cannot be taken very seriously[2].

The exercise of the right of self-determination by a small group cannot prevent the exercise of the same right by a much larger group. If that were so, in every tehsil there would be interruption. If that were so, in every town there would be interruption. You would be in a position to find ten contiguous villages in every tehsil belonging to a single community. Take for instance the Rawalpindi district. You will have these pockets everywhere and you can link them up by some way, that is, from Kahuta to Gujarkhan and other villages to Amritsar by passing the Muslim villages. That is not the rule. The rule is that when you are going to determine contiguous majority areas of Muslims and non-Muslims, you have to take large areas of substantial size. Take for instance the Lyallpur area which is three thousand square miles.

[1] *Ibid.*
[2] *Vol. I, pp. 434-35.*

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That is not the area of several districts. Amritsar district is fifteen hundred square miles. Lahore is two thousand and five hundred square miles in area. The Nankana Sahib has got population in the neighbourhood of seven lakhs. The annual land revenue of three districts in the Upper Bari Doab Canal is Rs. 55,23,451 and the annual land revenue of this area is in the neighbourhood of rupees sixty lakhs. Therefore when you are going to interpret 'contiguous majority areas' the rule must be that if an area is bigger, much bigger and several times bigger than the other one which intercepts, then there is no interception at all.

MR. JUSTICE TEJA SINGH: What is your interpretation of the words 'contiguous areas'?

SARDAR HARNAM SINGH: I am in complete agreement with the submission made by Mr. Setalvad on that point and his interpretation was that if there is a pocket of Muslim population lying between two major contiguous majority areas of non-Muslims, such a pocket would not destroy contiguity between the two non-Muslim areas.

Now after having dealt with these preliminary matters, I come to the straight question regarding the position of the Sikh community. What is it? Why is it regarded as a special community? Why should the position of the Hindus not be regarded as special and why should the Muslims be not regarded as forming a special community in the Punjab? Why is it that in all official documents relating to the constitutional set up in this province the Sikh community has always been recognised as a special community? In this connection I would draw the attention of the Commission to the debate in the House of Lords on the 18th July 1946. I have got a copy of Hansard. It is not in connection with the demarcation of the Punjab but in connection with the Cabinet Mission Plan. I am reading out para 3, last 3 lines on page 7. Speaking in the House of Lords, Lord Pethick Lawrence, the then Secretary of State for India, who was a party to the Cabinet Mission Plan, said as follows :

> It is, however, essential that the fullest consideration should be given to the claims of the Sikhs, for they are a distinguished and an important community, whose culture and interest deserve protection. We have been representing to the two major parties who were both most receptive in this matter that some special

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means of giving the Sikhs a strong position in the affairs of the Punjab should be devised.

Eversince the talks about the transfer of power from British to Indian hands began, the policy of the authorities that are responsible for the Mountbatten Plan has been that in view of the fact that the Sikhs constitute a special community in the Punjab some special means of giving the Sikhs a strong position in the Punjab should be devised.

I would in this connection draw your attention to the Muslim League Memorandum[1] wherein it was admitted that the Sikhs might be entitled to some consideration in view of their special problems, but they have forfeited that right to that consideration by reason of the fact that they have made a common cause with the Hindu community.

SIR MUHAMMAD ZAFRULLAH KHAN: My friend should not misrepresent the words grossly.

SARDAR HARNAM SINGH: That is how I read your representation. Why is it so important? First of all the Cabinet Mission and the Mountbatten Plans both have one fact in view that although this community is smaller in numbers than the other communities, it is this community alone which is rooted in the soil of the districts. Other population is not rooted in the soil of the districts. Therefore when they talk of constitutional proposals they mention that some special safeguards may be provided for these people. They may be smaller in numbers as compared with Muslims but they are sons of the soil; others have come from abroad for labour, for work and they may work and go away when they find things unsuitable for them. It is these people that count to a very great extent. That is one part of the problem. The figures about land revenue, acreage, land-owners and other matters have been placed before you about Gurdaspur, Amritsar, Lahore, Sheikhupura, Lyallpur and Gujranwala districts. It is by reason of the fact that they are rooted in the soil, that their position is a peculiar one and the community enjoys a special position. In the second place we find—I need not repeat all those arguments which have already been advanced before you—that a large part of the wealth of the Punjab is due to the irrigation system and is due to the colony areas and if it is colony areas which have contributed to a very

[1] *Vol. I, pp. 294-95.*

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large extent to the wealth of the provincial exchequer, the Sikh community out of all proportions to its numbers, has been responsible for that wealth of the country. A question was put to Mr. Setalvad about the area owned by various communities in the Lyallpur district. If you take the district as a whole and then examine the figures in regard to the various communities *inter se* you will come to the conclusion that the Sikh community out of all proportions to their numbers have contributed to the wealth of that area. In the Lyallpur district the Sikhs hold about 75 per cent of the holdings in one compact area and pay about 80 per cent land revenue, although they form 40 per cent of the population in that area.

Another important point to which I would like to draw the attention of the Commission is the migration question. It has very often been said that the population can migrate from one part to another, from one state to another. I agree that the petty shopkeeper can easily migrate, even a big businessman can do so because he has no attachment with the soil. But how can you expect those people, who are rooted in the soil, to leave that soil. The Sikhs of Lahore, Sheikhupura, the central area of Lyallpur are the sons of the soil and cannot possibly go out of their homes.

Again the Sikhs are a special community from their geographical position. For instance, in the Ambala division taken as a whole the Sikhs do not count very much. There are stray colonies of Sikhs in Rupar, Kharar, and Sirsa sub-districts where they have got some numerical strength worth the name. In Rohtak they are only 15 per cent of the total population. They naturally cannot expect any rights in that district nor for the matter of that in Gurgaon, Karnal and Simla districts. In the Ambala district, however, they are concentrated forming about 18.46 per cent of the total population. Therefore my submission is that as far as Sikhs are concerned they do not count very much on population basis in the Ambala division. It is only in central divisions, namely the Jullundur and Lahore divisions, that there is bulk of the Sikh population. Now if you draw a boundary line across the Lahore division you leave a large body of people whose occupation is soldiery on both sides of the boundary line. That position, you will agree, cannot be and should not be allowed to remain and as that is a special position, you require special remedial measures to

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set that position right. You cannot afford to leave the Sikhs on both sides of the border and this is a special matter with reference to the Sikhs which entitles them to the claim of a special community and special means should be divised for giving them their rights.

Then there is another matter which requires serious consideration and that is the question of homeland. This theory of homeland which is very much in the air dates from the 23rd of March 1940 when a resolution of the Muslim League was passed in its session at Lahore. The relevant portion of that resolution has been given in our memorandum[1]. The appreciation of the Muslim League standpoint is necessary because that is relevant to the point at issue. It is stated:

> . . . no constitutional plan would be workable in this country or acceptable to the Muslims, unless it is designed on the following basic principles, namely, that geographically contiguous units are demarcated into regions, which should be so constituted, with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India, should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign[1].

The next session of the Muslim League met at Madras on the 15th of April 1941. In that session the objective of the Muslim League was redefined and it was resolved to have what they called "Muslim free national homelands"[2].

Now that you are separating one part of the Punjab from the other with a view to providing the Muslim community a national home for their free development, I would submit that nobody has any right to destroy the ancestral homeland of the Sikh community. That point of view must be constantly kept in view. Provide by all means the Muslim community with a new homeland that has been their demand, but when you provide them with a new national homeland you have also to keep in mind that the ancestral home of the Sikhs is not destroyed. I submit that the central divisions of the Punjab from time immemorial constitute

[1] *Vol. I, p. 347.*
[2] *Vol. I, p. 348.*

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the national home for the Sikhs. The question whether they are fewer in number or very numerous is quite irrelevant from the point of view whether a particular region or a particular tract is their homeland. I would remind this Commission of the Balfour Declaration made in 1917. It was with respect to Palestine. The total population of Palestine at that time was 7,57,182. Of this population 5,90,890 were Muslims, 83,794 were Jews and 73,024 were Christians. You will find that in 1917 it was declared on behalf of His Majesty's Government that Palestine was a national home of the Jews. This position of the British Government came up for consideration before the French Government on the 1st February 1918 and the declaration of Lord Balfour with respect to Palestine was approved. The question came for examination on the 24th July 1922 before the Joint Council of the League of Nations and the position taken up by Lord Balfour was again approved by the League of Nations for the reason that Palestine was the birth place of the Jewry and their "Promised Land."

MR. JUSTICE DIN MUHAMMAD : Let us all pray that Palestine may not be re-enacted here. Thirty years have lapsed and there has been no solution.

SARDAR HARNAM SINGH : I may just mention that as the Jews occupy a special position in Palestine, so the Sikhs occupy a special position in the Punjab. I do not want a solution of the Palestine type. I do not want warring elements roaming about in different parts of the country. But I submit that if Muslims put forward a viewpoint that any part of the Punjab was their homeland or in any part of the Punjab a homeland may be made for them, then I say that you take into consideration the viewpoint of the Sikhs. There is another viewpoint. I mentioned in the earlier part of the day the statement of Mr. Jinnah made on the 1st of May 1947 on the problem of migration[1]. In that statement Mr. Jinnah referred to the Hindus in the Pakistan zone and he told them plainly that they may leave Pakistan and go to their homeland and vice versa. If that is the position then I say, if Pakistan is going to be the homeland of the Muslims, and India to be the homeland of the Hindus, why should not the Sikhs have a homeland for themselves.

MR. JUSTICE DIN MUHAMMAD: But Mr. Jinnah's latest state-

[1] *pp. 121-22, supra.*

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ment is different. He extends the hand of friendship to all.
SARDAR HARNAM SINGH: Yes, he extends his hand of friendship to all provided they accept the Pakistan zone to be the national home of the Muslims. Therefore I say that if the Punjab is going to be the homeland of the Muslim community and Hindus have a homeland and if I can show to this Commission that the area between Chenab and Beas has been the homeland of the Sikh community and this fact has been recognised in official documents, then I say in all fairness you cannot uproot me from my homeland. You cannot deny me the privilege of living in my homeland because if any part of the territory goes to the other side it ceases to be my homeland.

I submit that this is the situation with which we are confronted and that is why men in authority in England as also in India have from time to time declared that the special position of the Sikhs requires a closer examination. There is a book named *Selections from the Records of the Government of India* published in 1853. At page 5 of this book we find:

> The chief home of the Sikhs is in the Majha and their capital is Amritsar.

MR. JUSTICE DIN MUHUMMAD: To what period is he referring, for as far as I know, Amritsar was never the capital of the Sikhs.
SARDAR HARNAM SINGH : He means the religious capital of the Sikhs. All these historians refer to Amritsar as the metropolis of the Sikh faith. They describe two capitals and they attach very great importance to the religious capital. Then again at least those of us who are practising at the bar are very familiar with the name of Sir Robert Needham Cust who was at one time the Financial Commissioner of the Punjab. He was a scholar and he has produced voluminous literature on diverse subjects and in one of his books known as *Linguistic and Oriental Essays* at page 24 he says :

> By a mere chance, by the fancy of a great man, by a fatality of circumstances, the writer found himself after a lapse of seven years again among a people whom he loved so well and in a position to study the character of the residents and visit the great cities of that rich tract which lies between the rivers Chenab and Beas, the original Sikh land, the cradle of the faith, the nursery of the chivalry of the followers of the Gurus which

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> contains three million of men and more than 5,000 villages from the commencement of our rule composing the great Lahore Division.

The Sikh land according to this document is the country between the river Beas and the Chenab river. This tract has been described by Sir Robert Cust as the original homeland of the Sikhs, the cradle of the faith, the nursery of the chivalry of the followers of the Gurus.

The third document to which I draw attention of this Commission in this connection is the *Report of the Sapru Committee.* When the Muslim League redefined its creed by amending Article 2 of the League Constitution, then this question came up for examination before the Sapru Conciliation Committee. Its report was published in 1945 and eminent jurists of the whole country sat on this committee.

MR. JUSTICE DIN MUHAMMAD : Including Sardar Harnam Singh.

SARDAR HARNAM SINGH : Yes, and including Bakhshi Sir Tek Chand.

SIR MUHAMMAD ZAFRULLAH KHAN : At least you concede that Bakhshi Sir Tek Chand is also an eminent jurist. *(Laughter)*

BAKHSHI SIR TEK CHAND : I have ceased to be one.

SARDAR HARNAM SINGH : Paragraph 176 at page 133 of the report reads :

> The Hindus claim the Punjab to be as much their homeland as of the Muslims. The Hindus have been there since the dawn of history. As for the Sikhs if any community can lay special claim to the Punjab as its homeland it is they. They were the last rulers of the Punjab and their most important shrines stretch from Sirhind on the one side to Panja Sahib on the other, with the Golden Temple at Amritsar in the centre of the province. It is not only the homeland but the holy land of the Sikhs, to which they are attached by all the intimate bonds of religion, history and tradition. The Sikhs number a little less than six millions. About five million are settled in the Punjab where lie all the Sikh states.

I submit that the Sikhs do not count very much on population basis in the Ambala division and they do not count as a commu-

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nity in other provinces of India. Other provinces of India constitute the homeland of the Hindus and this part of the country constitutes the homeland of the Muslims. The question is when a new national home has to be set up for the Muslims, their home is to be built by destroying our home. The question is whether the homeland of the Sikhs is going to be destroyed or whether you can preserve their home. The question is if from time immemorial the community has enjoyed a certain tract as its own homeland, what justification would there be to destroy that homeland. I submit that when the Cabinet Mission Plan of 16th May 1946 was released, Lord Wavell gave a broadcast message to the people of India. In the broadcast message Lord Wavell expressed himself in these words. I am reading from the *Indian Information* of June 1, 1946, page 660 :

> Another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played and can still play so important and influential a part.

I am drawing the attention of this Commission to these various passages culled from various sources in support of my proposition that the tract between the rivers Beas and the Chenab has been from the time of the Sikh Gurus the ancestral homeland of the Sikh people. It is in this tract that the Sikhs have played a part. It is in this tract that they hope to play an important part in the future polity of the country. Therefore my submission is that the homeland business which has assumed enormous proportions in these days should be considered from all aspects. I repeat that when countries are being divided to provide a homeland to a particular community, it is but fair that the Sikh viewpoint, namely, that the tract between the Beas and the Chenab has been the ancestral homeland of the Sikh people, must be taken into consideration and this homeland must not be divided. I again stress that from this point of view the Sikhs, though less in number, occupy a special position in the polity of the Punjab.

MR. JUSTICE DIN MUHAMMAD : Do you admit that out of a total population of 72,18,001 the Sikhs are only 14,42,006 in Lahore division and the Muslims are 42 lakhs ?

SARDAR HARNAM SINGH : It is not a question of admission; it is a fact. But as I submitted in the earlier part of the day, the question of numbers is wholly irrelevant in the determination of

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a "homeland". I am not oblivious of those figures. Notwithstanding that I claim and I build my claim on grounds which will appeal to you that this homeland must be preserved. The figures are there. But whether they have any relevancy to the point at issue or whether there are other factors which are so powerful as to override those figures, is a matter for your decision. At present I only submit that the interests and culture of the Sikh community, which has been described in official documents as a special community, deserve protection. I admit that there would be no justification if there are no special features for saying that they form a special community. They are as good or as bad a community as any other community. At present I am only referring and enumerating point by point features which make the Sikhs a special community. This homeland theory was started for the first time on 15th April 1941 in a resolution of the Muslim League and mentioned by Mr. Muhammad Ali Jinnah in his presidential address on the 23rd March 1940 at the Lahore Conference, but formally adopted as the creed of the Muslim League on the 15th April 1941 and it is on that basis that the discussions have proceeded all along. In all these discussions the numbers were not the consideration. For instance take the case of Assam. The League claim has always been that Assam must form part of Pakistan. The Cabinet Mission have referred to this matter and they say at page 6 that the League has no claim on Assam on the population basis but the League claims to include it upon the necessity to include substantial areas in which the Muslims are in a minority in order to make Pakistan administratively and economically practicable. The claim therefore was the requirement of a homeland and making it administratively and economically practicable by including non-Muslim majority areas. I am mentioning it for another reason because some 4 pages of the Muslim League Memorandum are devoted to the thesis that the Muslim League has been from the very beginning taking a democratic stand, the stand based on numbers and numbers alone. That is a matter which is falsified by history. The claim has been all along, "we want a national home". Read Muslim League literature. Read books published by the Muslim League. All bear out my contention that the Muslim League has all along been claiming Pakistan on the basis that the Muslims have no national home in united India. They may be less numerous in the whole country but they want a national home.

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Therefore I submit that when you are considering this question, the special features of the Sikh community should be taken into account. I have the greatest possible respect for all religious denominations and for everybody's sentiments. But for the past two decades I have several times heard Muslim boys singing *"Ya Rab Mecca Madina le chal mujhe"*[1]. They have been looking westwards. They say, we are living in a strange country, in an alien country, we have no national home. Our national home is in Arabia. I am not hurting the feelings of my Hindu brethren when I say that they look to Hardwar and Benares for their pilgrimage and the Muslims look to Mecca and Madina. But for the Sikhs, the city of Amritsar, the city of Nankana Sahib in Sheikhupura district, the city of Kartarpur in Shakargarh tehsil of Gurdaspur district, are their Mecca and Madina and they are their Hardwar and Benares. These are their sacred places; Nankana Sahib where their first Guru was born, Kartarpur where he died and Amritsar which is the metropolis round which the whole Sikh history centres. In the dark days of Mir Mannu people were marching to the city of the Golden Temple even at the risk of being slain on the way. They were making pilgrimage to that place in hundreds and thousands.

The Muslims have got so many saints and *pirs* and they have mentioned the names of their religious institutions in their memorandum[2]. They are valuable institutions from the point of view of the Muslim community. I have no manner of doubt on that point but please point out a single place in the Punjab which is hallowed by the sacred feet of the Prophet Muhammad. If you do so, then I will bow before you and admit that my claim pales before your claim into insignificance.

MR. JUSTICE TEJA SINGH : There is a little bit of distinction. That distinction has been put before you. The shrines of the Sikhs are of two kinds. One are those that are sacred to the memory of the Gurus and the others are those that are sacred to the memory of the martyrs and those that came after them.

SARDAR HARNAM SINGH : Therefore I say that all those places mentioned in the Muslim League Memorandum[2] are good

[1] *'Take me, O Lord, to Mecca and Madina'—obviously a pious yearning for pilgrimage to the holy cities of Islam.*

[2] *Vol. I, pp. 283-84.*

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instances. I have very great respect for them. They may be religious institutions, they may be cultural institutions, they form a very valuable asset of the Muslim community but I draw a distinction and that is a distinction which is of a fundamental character; the distinction is that I attach importance to those institutions above all which have been built up by the *Satgurus*, where the Gurus were born, where the Gurus worked for the uplift of the community, where the Sikh religion was born, where the Gurus lived and died. With regard to Mecca, I know the Muslim feeling. I am a Punjabi and they are my fellow brethren. I know their sentiments with respect to Mecca and Madina. I feel that the same sentiment is not attached to an ordinary mosque in a village which is attached to Mecca and Madina. Similarly there may be thousands of Sikh gurdwaras everywhere in towns and elsewhere. Every *mohalla* has got a gurdwara. Some *mohallas* have more than one gurdwara. Every Sikh house has a gurdwara but what of that. If the country is going to be divided, some must go to Pakistan, there can be no help for it. Those gurdwaras have been built up for congregations by the Sikhs in recent times. There is no sense in claiming that unless those shrines are amassed in one whole, there is no possible solution. That is not the case. The case is that there are some shrines, some gurdwaras round which the whole Sikh history turns. The Nankana Sahib gurdwara in Sheikhupura district, gurdwaras in Lahore district, gurdwaras in Amritsar and Gurdaspur district, are the places round which the whole Sikh history turns. I am claiming so many districts but not on that ground. There may be other considerations. The special sanctity which is attached to these institutions is by reason of the fact that the Sikh Gurus built up these institutions. That is the point. Sometime ago I wrote a small book in 1945. Its title is *Punjab, the Homeland of the Sikhs*. In that book I have given a brief description of the Sikh institutions and Sikh gurdwaras. I will pass on five copies of that book for the use of this Commission. I was just on the question of homeland and in that connection I mentioned the sacred institutions. I hope this Commission will be pleased to read paragraph 23 at page 20 of the Sikh Memorandum[1].

The ancestral occupation of this community has been either agriculture or soldiery. Take any book of history and you will find

[1] *Vol. I, p. 361.*

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this fact mentioned. I refer you to the *History of the Sikhs*, 1739-1768 by Dr. H. R. Gupta. This book was written in February 1937 with a foreword by Sir Jadu Nath Sarkar, the famous historian. On page 272 he has given an account of the Sikhs. He says :

> We now close the narrative of the Sikhs, who won for the Punjab the envied title of "soldiers' land" and who alone can boast of having erected a "bulwark of defence against foreign aggression", the tide of which had run its prosperous course for the preceding eight hundred years and to whom all other peoples of Northern India in general and of the Punjab in particular owe a debt of gratitude.

This is common knowledge that before the birth of the *Khalsa* the foreign invaders had an easy time and there was invasion after invasion of this land of the five rivers. It was the Sikhs alone who stemmed that tide of invasion and built up this Punjab. They stemmed this tide of invasion which had gone on for eight hundred years in this country and the Sikhs built up the Punjab of today by their efforts in the colony areas, by agricultural pursuits and by splendid work in the armed forces of the country. Thus this land has been given the title of soldiers' land. Are you going to divide that soldiery into two independent states? The community has exercised its selection in favour of the Indian Union for reasons which need not be recapitulated.

The Sikhs have got special claims and the consolidation of the Sikhs in Eastern Punjab would not only be in the interest of the Sikhs but it would be in the interest of the peaceful progress of the two states. Mr. Butler has mentioned that they may be amassed in the Eastern Punjab.

SIR MUHAMMAD ZAFRULLAH KHAN : Mr. Butler has never said it. Kindly read out the reference.

SARDAR HARNAM SINGH : Mr. Butler has stated categorically that they may be amassed in one conglomerate whole. That is the reference and Sir Zafrullah Khan has forgotten it. I again repeat that. He has emphasised and stressed that this Commission would make an attempt to amass the Sikh population in one conglomerate whole. What is that conglomerate whole? The Sikhs want the division of the Punjab on the ground that they do not want to go

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into Pakistan. I am now reading out the words of Mr. Butler as appeared in the *Tribune* dated the 16th July 1947. They are :

> The only solution which could mitigate the plight of the Sikhs was that the Boundary Commission would so define the boundary that the maximum portion of the Sikhs should be included within one conglomerate whole without doing damage to the balance of Muslim and non-Muslim areas.

I say that if they are to be amassed in one conglomerate whole, it can only be in the Eastern Punjab. There is no dispute on the point that the division of the Punjab has been brought about because the Hindus and Sikhs had a fear to go into Pakistan and you cannot improve the position of the Sikhs by putting them in Pakistan and amassing them in that conglomerate whole. Therefore no explanation is necessary and it does not need much scrutiny with regard to that conglomeration in the Eastern Punjab. I was mentioning therefore that for various reasons—and one of the reasons would be the peaceful progress of the Eastern and Western Punjab—this community may not be allowed to remain in that situation; one part occupying the borders of India and the other part occupying the borders of Pakistan.

The other important thing is that this situation could have been remedied by other means also. Is there any other remedial measure which may be applied? The Sikh population is rooted in the soil and you cannot uproot it.

SIR MUHAMMAD ZAFRULLAH KHAN : It cannot be uprooted.

SARDAR HARNAM SINGH : I have thought over it. The remedy is migration of the people from one part of the country to the other. There is no other way possible. When I think of migration, then one thing which stares me in the face is how can you uproot these people who are rooted in the soil? They are not menials, they are not *kamins*, they are not landless people and they are not shopkeepers. How are you going to do that? Will you allow them to remain there in that situation? That situation will bring about conflict between the two states and disputes of a multifarious character. That is a matter which requires serious consideration.

MR. JUSTICE MUHAMMAD MUNIR : We want comparative figures about the men who are rooted in the soil. Unless you give those figures your arguments do not mean anything and they have

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no weight.

SARDAR HARNAM SINGH : You have those figures. You know the number of landowners, you know the total population.

MR. JUSTICE MUHAMMAD MUNIR : Are the Muslims in a majority or the Sikhs ?

SARDAR HARNAM SINGH : The Sikhs are in a majority and if there is any area in which the Muslims are in a majority, we will try to find out some solution of that problem.

MR. JUSTICE MUHAMMAD MUNIR : I am told that the Muslims are in a majority of occupancy tenants and landowners.

SARDAR HARNAM SINGH : They are not in a majority. I have just mentioned before the Commission.

MR. JUSTICE MUHAMMAD MUNIR : You are proceeding on the assumption of a fact and if that fact is not forthcoming the argument disappears.

SARDAR HARNAM SINGH : I think the data supplied to you was sufficient. But if it is not sufficient, I am going to supplement it. I may give an argument and if that argument is not substantiated later by figures, it will automatically disappear. I am at present submitting as to why the Sikhs are called a special community.

MR. JUSTICE TEJA SINGH : In regard to the exchange of population, it was stated that the Sikhs who would be left in the western part might be asked to leave that part of the country and settle in the east. The question is whether the eastern part of the Punjab is sufficient to accommodate them and what economic effects will result?

SARDAR HARNAM SINGH : I will come to that. It is in the latter part of the memorandum[1].

Again, I have not come across any constitution where protection is not given to the people in regard to their culture, their language and their script. One of the important matters which has precipitated this crisis necessitating the division of India into India and Pakistan is the Hindi-Urdu controversy. What is the language of this country? I have given various quotations from several census reports in the memorandum[2]. It will be seen that the spoken language of the Jullundur and Lahore divisions is Punjabi. As the colonists hail from these areas, the language spoken in the

[1] *Vol. I, p. 369.*
[2] *Vol. I, p. 367.*

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colonies is also Punjabi. In this connection I would refer you to Sir George Grierson's *Linguistic Survey of India*. He has examined the language question in detail and his conclusion is that there are 11 main languages in the whole of India and Punjabi is one of these languages. He says that Punjabi is spoken in the central districts of the Punjab. The standard Punjabi is spoken in the three districts of the Upper Bari Doab Area, namely, Gurdaspur, Amritsar and Lahore districts. Punjabi is spoken generally in the whole of the Lahore division. The claim of Sir George Grierson is that Punjabi is spoken up to the west bank of the river Chenab and then across the river the language is Lehnda and not Punjabi.

There is another point to which I would like to make a reference. As ill luck would have it, we are living in a strange country. The Sikh scriptures are in Punjabi and that was perhaps the reason that my Hindu and Muslim brethren have disowned Punjabi at least in the census enumeration. Figures for the Jullundur division show that Punjabi was returned as the language of 36,84,755 persons out of the total population of 46,06,446. The population of Kangra district was 8,01,312 and out of this population only 13,137 persons returned Punjabi as their language as in that district Pahari and Dogri are the spoken languages. The language returns for Hoshiarpur, Jullundur, Ludhiana and Ferozepore districts show that out of a total population of 38,05,134 as many as 36,71,618 persons returned Punjabi as their mother tongue. I submit that no other argument is necessary in support of my proposition that Punjabi is the mother tongue of the people of the Jullundur division. The total population of Lahore division including Muslims, Hindus, Sikhs and others is 58,79,075 and the census figures disclose that out of this population 54,63,825 persons returned Punjabi as their mother tongue. This is the state of affairs in Lahore division. In Rawalpindi and Multan divisions out of a total population of 90,17,766 the number of those who returned Punjabi as their mother tongue is 24,98,016.

MR. JUSTICE DIN MUHAMMAD : And what language do others return?

SARDAR HARNAM SINGH : Lehnda.

MR. JUSTICE MUHAMMAD MUNIR : Is Lehnda shown as one of the languages?

SARDAR HARNAM SINGH : Lehnda is shown as one of the

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languages in the records that have been compiled by the Muslim officers, Hindu officers and the British officers.

MR. JUSTICE DIN MUHAMMAD : Sardar Harnam Singh, will you please just read out the quotation from Grierson?
SARDAR HARNAM SINGH :

> Commence at the northern end of the Pabbi range in the Gujrat district, go across the district to the Gujranwala town of Ramnagar on the Chenab. Then draw a line nearly due south to the southern corner of Gujranwala, where it meets the northern corner of the district of Montgomery. Then continue the line to the southern corner of Montgomery on the Sutlej. Follow the Sutlej for a few miles and cross the northern corner of the state of Bahawalpur. Everything to the east of this line I call Punjabi and everything to the west of it I call Lehnda.

Now the figures disclose that these 24 lakhs are mainly concentrated in the colony areas of Montgomery, Lyallpur, and Khanewal and Mailsi tehsils of Multan district. The result is that Punjabi which is one of the main languages of India, is the spoken language of the Jullundur division of this province minus the Kangra district, the whole of Lahore division and parts of Multan division, namely, the colony areas of Lyallpur and Montgomery districts and part of the Multan district. It is this area that we have claimed.

Now you will ask how does this factor entitle the Sikhs to any special consideration on that account? In the past attempts have been made to thwart the growth of Punjabi and that appears obvious from a perusal of the census reports. In this connection I would first draw attention of the Commission to page 9 of the *Census Report of India* by Mr. Yeatts. I am referring to page 9 of Vol. I of the *Census of India* and this passage will explain why I have given the figures of Punjabi-speaking people from the *Census Report* of 1931, because the linguistic figures were not tabulated in the *Census Report* of 1941 for reasons which are mentioned by Mr. Yeatts :

> The other aspect was the quality of certain individual answers notably as regards language or script. Here we were dealing with a different phenomenon, for the answer to the mother tongue question is broadly speaking entirely within the citizen's power

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of control. To prove a false answer in a court would be a matter of great difficulty. Moreover, sentimental attachment to Urdu or Hindi, as the case may be, might and often did lead quite worthy persons to feel that it should be their mother tongue and therefore to return it. Where therefore the Hindi/Urdu controversy entered, the census returns are worthless, and those passionate Hindus or Muslims who thought that by thus influencing the returns they could secure a valid statistical backing for their communal arguments have met the inevitable end of those who seek to corrupt the form of enquiry. The language and script questions have not been tabulated and I make now a recommendation to the Government of India that they be not tabulated even if the suspended operations are resumed.

Therefore the language statistics were not tabulated in the *Census Report* of 1941. But we have a valuable data in the *Census Report* of Khan Ahmad Hasan Khan, Superintendent, Census Operations, Punjab and Delhi, 1931. At page 271 of the *Report* he deals with this question. He says :

At this census the return of language was one of those things in which many people, particularly in towns, took a keen interest. Below are reproduced the contents of a hand bill distributed far and wide on the eve of the preliminary enumeration :

REMEMBER !
Census Operations have begun

Questions	You should answer
Religion	Vedic Dharma
Sect	Arya Samajist
Caste	Nil
Race	Aryan
Language	Arya Bhasha (Hindi)

The Census Committee, Arya Samaj, Wachhowali, Lahore.

This is one set of instructions by the Census Committee, Arya Samaj, Wachhowali, Lahore. No doubt this sort of propaganda had a certain amount of effect particularly on the figures of urban areas and district officers of several districts have mentioned in their reports that in some admittedly Punjabi-speaking

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urban areas both Hindus and Muslims insisted upon Hindi or Urdu as their mother tongue. In a town of Gujranwala district I myself had to remonstrate with certain persons who were in possession of the above quoted hand bill and wanted to return Hindi in place of Punjabi as their mother tongue. In Lyallpur town a Muslim barrister interviewed me while the preliminary enumeration was in progress and enquired whether he could return Urdu as his mother tongue, because the language as spoken by him contained many Arabic and Persian words and was therefore more akin to Urdu than Punjabi. I told him that Punjabi did not cease to be Punjabi even if it became polished in the manner described. I do not know whether my contention found favour with him at the time of actual enumeration. There is no doubt in my mind that persons returned Urdu and Hindi as their mother tongue in place of Punjabi and the figures of Hindustani have been greatly swollen at the expense of Punjabi.

Therefore I submit that when these gentlemen, these British parliamentarians, secretaries of state, members of the opposition, members of His Majesty's Government talk of protection of Sikh culture, protection of cultural institutions in the country, they know that there is a language spoken in the Jullundur and Lahore divisions of the Punjab, in the colony areas of Lyallpur, Montgomery and parts of Multan district and that language is Punjabi. You cannot protect this language in view of the observations made by the Census Superintendents, who, of course, had no bias in favour of the Sikhs, by incorporating those areas in Pakistan. You will be disrupting all cultural affiliations, destroying the culture of the people and destroying their homes and their homeland.

MR. JUSTICE DIN MUHAMMAD : How will you protect it in the East Punjab?

SARDAR HARNAM SINGH : In the Eastern Punjab the predominantly Hindu areas may be amalgamated with Hindustani speaking areas. A division and a further division will be my argument. Therefore I say that if you are going to protect the language and culture of the people, you cannot do that by incorporating them in Pakistan where people are out to destroy that culture. It is not a matter of recent happenings in March, 1947. This thing has been going on for the past two decades. This again is a special feature which entitles the Sikhs to special protection.

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The question was put to me as to how the Punjabi language is to be protected in the Eastern Punjab. I may here mention that the Constituent Assembly of India has set up a committee to examine the question of the demarcation of linguistic provinces in the Union of India and that committee is examining that question. Now at this point I say once again that if any part of the Punjabi-speaking area is included in Pakistan, no measure can be adopted to protect it. But so far as the Indian Union is concerned they have set up a committee.

MR. JUSTICE DIN MUHAMMAD : Why can you not set up a similar committee here?

SARDAR HARNAM SINGH : With the attitude of the Muslims in the Western Punjab you cannot set up a committee of that type.

MR. JUSTICE DIN MUHAMMAD : The whole of the Punjab speaks Punjabi. There is no gainsaying this fact.

SARDAR HARNAM SINGH : You cannot say that the whole of the Punjab speaks Punjabi. People in Karnal, Rohtak, Hissar and other places do not speak Punjabi; there is little similarity between the language I speak and the language they speak. Again, you will agree that there is little similarity between the language spoken by the people in Dera Ghazi Khan, Isakhel, Mianwali and the language spoken by me in the Eastern Punjab. Even in Multan the language spoken is Multani and not Punjabi. The language spoken by the Kangra people, I am not able to understand. I was born and bred up here in the Punjab and yet I cannot understand some of these languages. Therefore we cannot say that in the whole of the Punjab Punjabi is spoken. In fact if you look at the census tables, you will find the language of the people in various parts of the Punjab. Therefore it cannot be said that Punjabi is spoken throughout the Punjab and whether it is Punjabi or some other language, once if people take it into their heads that their language is not Punjabi but Urdu, you cannot help it. The Census Commissioner regrets the feature that a Muhammadan barrister would like to have his language recorded as Urdu, while a Hindu gentleman in Gujranwala will have it as Hindi. That is a feature to which I want to draw the attention of the Commission.

(At this stage the Commission rose for the day to meet again at 10.00 am on Thursday 24 July 1947.)

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IV

24 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Thursday, 24 July 1947 at 10.00 am.)

ARGUMENTS OF THE SIKHS—*Contd.*

SARDAR HARNAM SINGH : You will remember that Mr. Justice Muhammad Munir put to me a question yesterday about the number of landowners and occupancy tenants in the Lahore district community-wise. The point arose out of my submission that the Sikhs are the people who are rooted in the soil of the district and as observed by Mr. (now Sir) Abell, the other persons are landless people. In the Lahore district the total land revenue is Rs. 18,44,950. Out of this land revenue the Muslims pay Rs. 5,81,235, the Sikhs pay Rs. 11,13,579, the Scheduled Castes pay Rs. 68 and the others pay Rs. 19,111. Those figures were before this Commission. The question was that the argument would be valid and strong if the number of Sikh landowners and occupancy tenants was more numerous than the number of Muslim landowners and occupancy tenants. I have got those figures now. In Lahore district the total number of landowners including occupancy tenants is 2,26,419. Out of this number, the Muslims are 1,09,761 and non-Muslims 1,16,658. Out of this number Sikhs alone are 87,254. I am giving the number separately now.

MR. JUSTICE MUHAMMAD MUNIR : The figures include occupancy tenants?

SARDAR HARNAM SINGH : Yes. Therefore I submitted yesterday that it is not that we pay only 11 lakhs and some odd thousands out of the total land revenue of 18 lakhs but the number of non-Muslim landowners and occupancy tenants is

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more than the number of Muslim landowners and occupancy tenants.

I was discussing the language question yesterday when the Commission rose for the day. I had finished that matter and I have nothing more to add on that question. That question only arises from the cultural point of view and I submitted that in the interests of protection of Sikh culture it was necessary that the Punjabi-speaking area in Rechna Doab must be included in the Eastern Punjab.

The next point that arises and which is the special feature of the Sikh community is that the Sikhs ruled the Punjab before the advent of the British. This point is dealt with in the Sikh Memorandum in paragraph 20 at page 13[1]. I have referred in paragraph 20 to the Agreement of Bhairowal and the proclamation announcing the annexation of the Punjab to the dominions of the East India Company. The Agreement of Bhairowal is set out in Cunningham's *History of the Sikhs,* 1849 edition.

MR. JUSTICE TEJA SINGH : Does it not find place in the new edition?

SARDAR HARNAM SINGH : This edition is of the year 1849 and I refer you to pages 417-19.

MR. JUSTICE MUHAMMAD MUNIR : Where is Bhairowal?

SARDAR HARNAM SINGH : It is beyond Tarn Taran. The Agreement was concluded on 16 December 1846, but the annexation took place on 29th March 1849. With regard to the Agreement of Bhairowal, I have set out the relevant portions in paragraph 20 of the memorandum[1]. Article 5 of this Agreement provides for the constitution of a council of regency. Article 6 lays down that the administration of the country shall be conducted by the council of regency in such manner as may be determined by themselves in consultation with the British Resident, who shall have full authority to direct and control the duties of every department. Article 7 lays down that a British force of such strength and numbers and in such positions as the Governor-General may think fit, shall remain at Lahore for protection of the Maharaja and the preservation of the peace of the country. That was the Agreement of Bhairowal. Therefore according to the Agreement of Bhairowal,

[1] *Vol. I, p. 356.*

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the Resident who had authority in the Lahore Darbar was responsible for the peace of the country and directing the forces of state. What happened was that subsequent to the conclusion of this agreement, some outlying provinces in the Punjab rebelled against the authority of the Lahore Darbar. One such rebellion took place in the Multan province but the Resident did not send any forces to suppress that rebellion and that rebellion developed with the result that ultimately on 29th March 1849 a proclamation was made by the Governor-General annexing the Punjab on the ground that the Sikh Darbar did not keep up to the terms of the agreement. In this connection I will read out page 166, volume II of the famous book *British India* by Ludlow. He says :

> Dalip Singh was an infant, his minority was only to end in 1854. We were his declared protectors. On our last advance into his country we had proclaimed (18th November 1848) that we came to punish insurgents and to put down all armed opposition to constituted authority. We fulfilled that pledge by annexing his whole country within six months. On the 29th March 1849 the Kingdom of the Punjab was pensioned off; all state property confiscated to the Company, the celebrated diamond, the Koh-i-Noor, surrendered to the Queen. In other words we 'protected' our ward by taking his whole territory from him.

That was what Ludlow thought of the annexation of the Punjab. This book was published in 1858 within 9 years of the annexation of the Punjab. You will also observe that the Assistant to the Resident Mr. Currie in those days was Lieut. Edwardes. He wrote a letter to Lord Dalhousie in August 1848 saying that "if the Punjab is held forfeited, then the British Government will not have kept good faith".

Therefore my point was that of the circumstances that entitle the Sikh community to a special position in the affairs of the Punjab, one is that they last ruled the country and the circumstances under which annexation took place. I need not cite more authority on this point. So many historians writing in the sixties of the 19th century said that this annexation of the Punjab was "not an act of conquest" but "a misappropriation of trust".

MR. JUSTICE DIN MUHAMMAD : Is it not correct that it was

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Shah Zaman Khan who made a grant of the Punjab to Maharaja Ranjit Singh? In the book, *History of the Sikhs*, on pages 131, it is stated :

> It is now necessary to return to Ranjit Singh, whose authority had gradually become predominant among the Sikh people. His first object was to master Lahore from the incapable chiefs of the Bhangi confederacy who possessed it, and before Shah Zaman had been many months gone, effect was given to his grant by dexterous mixture of force and artifice[1].

SARDAR HARNAM SINGH : The Maharaja built up the empire by conquest. Therefore I say that this special feature of the Sikh community may be considered before you come to apply your mind to the ascertainment and the demarcation of Muslim and non-Muslim majority areas.

This Commission would have noticed, on the authorities that have been quoted, that the apprehensions of the Sikhs are a relevant factor and due weight should be attached to that relevant factor. The historical background which has been set out in paragraph 21 of the Sikh Memorandum[2] gives you the reason why the Sikhs have been forced to elect in favour of the Indian Union. The Sikh Memorandum[2] has been signed by 32 out of the 33 members—even Sardar Partap Singh has joined. My point is that Sikhs of the west as well as of the east have jointly chosen this course; even people of Rawalpindi, Attock, Mianwali and other western districts have expressed this view.

MR. JUSTICE TEJA SINGH : You mean to stress that it is the united voice of the community?

SARDAR HARNAM SINGH: Yes, I want to stress that it is the united voice of the community. I have got in my hand *Tuzk-i-Jehangiri* and if you want I can quote from this book how the Sikhs were persecuted.

MR. JUSTICE DIN MUHAMMAD : Was it not in the same year that the Sikh Guru asked a Muslim saint to lay the foundation stone at Amritsar?

SARDAR HARNAM SINGH: What I am pointing out is that it was the policy of the Muslim rulers ...

MR. JUSTICE DIN MUHAMMAD : I want a definite answer to

[1] *Joseph D. Cunnigham (ed. H.L.O. Garrett)*, A History of the Sikhs, *(Oxford University Press, 1918), pp. 130-31.*

[2] *Vol. I, p. 357.*

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my question. Was it or was it not the Sikh Guru who asked the Muslim saint Mian Mir to lay the foundation stone at Amritsar?

SARDAR HARNAM SINGH : I do not deny that because there were good people too. There are good people and also bad people in every age.

MR. JUSTICE DIN MUHAMMAD : Is it not a fact that Guru Gobind Singh was given protection by the *Pir* of Uch?

SARDAR HARNAM SINGH : These were exceptions which prove the rule.

MR. JUSTICE DIN MUHAMMAD : That is why I say there is no use entering into this discussion. There are always two sides of the picture. There were bad Mussulmans and there were good Mussulmans too and while the bad murdered their fathers and mothers and even their saints, the good protected everybody.

SARDAR HARNAM SINGH : Saints are exceptions. Although the policy of Jehangir was well known, Guru Arjan did not have any malice in his heart and he went without any hesitation when he was called by the Emperor and what happened next is known to everybody.

MR. JUSTICE TEJA SINGH : *Guru Granth Sahib* contains many sayings from the Muslim saints.

SARDAR HARNAM SINGH : Guru Arjan about whom Jehangir said that he was determined "to close his shop" incorporated many sayings of Sheikh Farid in the holy *Granth*.

MR. JUSTICE DIN MUHAMMAD : He rightly thought that the sins of kings should not be visited on every co-religionist of theirs.

SARDAR HARNAM SINGH : Anyway the policy of the kings was there all the time. Even when the Britishers came, it was the Muslims who acted as quislings in the Sikh state.

MR. JUSTICE DIN MUHAMMAD : This will merely create bitterness. Why look only to the dark side of the picture, there is the bright side too.

SARDAR HARNAM SINGH : I am merely showing that it was the policy of the Muslim rulers to stop the growth and the spread of Sikhism. The Muslim League themselves admit that the present division is the outcome of those happenings. It is the sad history of the relations between the Muslims and the Sikhs which has culminated in the decision of the Sikh community. At page 19 of the Sikh Memorandum[1] some of the atrocities of the Muslim

[1] *Vol. I, pp. 359-60.*

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rulers are given.

MR. JUSTICE DIN MUHAMMAD : Is it not a fact that the orders mentioned on that page were issued by the Hindu chieftains ?

SARDAR HARNAM SINGH : They might have been issued by the Hindu chieftains but the orders were in fact from the Muslim chief. During the Muslim rule, Sikh chieftains might have persecuted the Sikhs, but the responsibility was that of the chief and not of the chieftains.

I was saying that the present situation is the result of the past history of the Punjab as well as recent happenings. That is why the partition of the Punjab has been claimed by the Sikhs in consequence of the partition of India. I submit again that in the matter of demarcating the contiguous areas, the special position of the Sikhs has to be taken into consideration. The Cabinet Mission said that special means should be designed to give the Sikhs a strong position in the affairs of the Punjab. The question is whether while partitioning the province, a strong position is given to the Sikhs or their position is weakened.

And now I come to areas claimed by the Sikhs for Eastern Punjab. In Ambala and Jullundur divisions there are no districts where the Muslims are in a majority and other factors in these divisions do not militate against the claim of the majority. If in these two divisions there are other factors powerful to overrule the majority factor, then there is a strong claim on behalf of the Muslims, but if other factors also point in the same direction then in the Ambala and Jullundur divisions the Muslims have no semblance of any claim. The Muslims are not in a majority in the two divisions as a whole and they are not in a majority in any one of the districts in the two divisions.

Then again it is said that 'well ! they are not in a majority in the divisions taken as a whole, they are not in a majority in the districts taken individually but they are in a majority in Ajnala, Zira, Ferozepore, Jullundur and Nakodar sub-districts' and the Muslim League claims these sub-districts for the Western Punjab. The further claim is that there are certain parts of tehsils in certain districts and in those small parts the Muslims are in a majority. Those areas are described as contiguous compact Muslim majority areas in table 3 of the Muslim League Memorandum[1]. What I

[1] *Vol. I, p. 298.*

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mean is this that the Sikhs and Hindus say that they are in a majority in those districts, they are in a majority in those divisions and other factors also support them, but that is not the position taken up by the Muslim League.

I will just mention one case. It is not a part of a Muslim majority area but they say that Muslims and Christians put together constitute a majority there—it is Dasuya tehsil in Hoshiarpur district. If you refer to para 31 of the Muslim League Memorandum[1], you will notice that the total population of Dasuya tehsil is 2,73,246. Out of this the Muslims are 1,32,108. The Muslims are in a minority and the non-Muslims are in a majority. But it is mentioned that out of the total population of 2,73,246 the Indian Christians are 4,729. Mr. Singha has put in a memorandum[2] and the Muslim League contends that it must be taken to mean that all the Christians of Dasuya tehsil want to be placed in Pakistan, without noticing that the secretary of another Christian organization Mr. Bannerji has put in another memorandum[3] supporting the non-Muslim claim. This court is not going to take a referendum to ascertain the wishes of the Christians in that tehsil. I wish it were possible in such a case to refer this matter to the people and ascertain as to whether the Christians in the Hoshiarpur district want to be placed in Hindustan or in Pakistan. I would welcome such a referendum, but be that as it may, the first question that arises is whether in view of the terms of reference of this Commission the memorandum of Mr. Singha can be considered. The terms of reference of this Commission are that the Commission is to ascertain Muslim and non-Muslim contiguous majority areas. You have to demarcate an area and in that demarcated area, in the aggregate, the result must be that the non-Muslims are a majority. This would mean that if you take a tehsil as an area, then in that tehsil taken in the aggregate the question would be whether that area is a Muslim or a non-Muslim majority area. Can it be said that this Dasuya tehsil in the ultimate analysis is a Muslim majority area, when the majority is constituted not by

[1] *Vol. I, p. 295.*

[2] *The reference is to the memorandum filed by the Joint Christian Board, which is mentioned at serial number 11 in the list appearing as enclosure to No. 243 in Vol. I, p. 475. It has not been possible to print this important memorandum as it could not be traced in the records of the Commission despite our best efforts.*

[3] *See the preceding footnote; reference to this memorandum is at serial number 32 in the list at p. 476.*

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Muslims alone but by Muslims and 4,729 Christians. Therefore I submit that this method of approach is wholly erroneous. It contravenes the terms of reference, it is against the Announcement of the 3rd June 1947[1], and this tribunal has no jurisdiction to go into that matter.

Be that as it may, I put other matters before this Commission. I do not know what your decision may be and therefore I wish to look at the other factors. What are these other factors? The annual land revenue of Dasuya tehsil aggregates to Rs. 5,18,792. That is the annual contribution of this sub-district to the provincial exchequer. Out of this Rs. 2,46,115 is contributed by the Muslims and Rs. 2,72,677 is contributed by the non-Muslims.

MR. JUSTICE MUHAMMAD MUNIR : Are these the figures for the whole of the tehsil? They claim a portion of the tehsil and not the whole of it.

SARDAR HARNAM SINGH : They claim the whole of Dasuya.

SIR MUHAMMAD ZAFRULLAH KHAN : The position is that on the basis of majority areas we have claimed a portion of the Dasuya tehsil. Adverting to the Christian memorandum if their position is to be taken into account, the whole of the Dasuya tehsil will become a majority Muslim area and should be allotted to the West.

MR. JUSTICE MUHAMMAD MUNIR : Are you claiming the whole or a portion of the tehsil ? We are not concerned with the arguments.

SIR MUHAMMAD ZAFRULLAH KHAN : I am explaining that map with reference to the memorandum[2]. I have said in the memorandum that these are our majority areas and we claim them. I have added at the end in paragraphs 30 and 31[2] what the position of Christians is and if their position is taken into account, the whole of the tehsil should be allotted to the West.

SARDAR HARNAM SINGH : That is how I understand the memorandum[2] and I am examining it from that point of view. I have given this Commission figures for the whole of the tehsil. It may be that this Commission is under the impression that some part of the revenue is contributed by the Christians. Now happily the figures which have been received in the office have disclosed

[1] *Vol. I, p. 4.*
[2] *Vol. I, pp. 295-96.*

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the Muslim contribution, the Hindu contribution, the contribution of the Sikhs, of the Scheduled Castes and of all others in which Jains, Ad-Dharmis and Indian Christians are included, and the contribution of all others put together is Rs. 217 in the whole of the tehsil of Dasuya. Even if the whole of this is taken to be contributed by the Christians, the economic interests of the Indian Christians in Dasuya tehsil are negligible.

MR. JUSTICE MAHAJAN : What is the contribution of the Christians ?

SARDAR HARNAM SINGH : Rs. 217 for Christians, Jains and Ad-Dharmis. No separate figures are available for the Christians. If you exclude the Hindus, Sikhs, Scheduled Castes and Muslims, what is left is others and I can give the credit of the whole of this princely contribution to the Christians. Others would include Jains, Ad-Dharmis and Christians. My information is that not a single penny is contributed by the Indian Christians but I give the credit of the whole of this amount to them. Ad-Dharmis are 22,000 and in some colonies they are occupancy tenants but Christians are sweepers in that area and therefore I say that if you give credit of the whole of this amount of Rs. 217 then even it makes no difference.

Now take the case of landowners. The total number of landowners for the sub-district is 55,889 of which 15,564 are Hindus, 12,086 are Sikhs, 773 belong to the Scheduled Castes, 27,420 are Muslims and only 46 others—and they are Ad-Dharmis mainly. They may be Christians but I have no information. Ad-Dharmis are separate from the Scheduled Castes. Take the case of occupancy tenants in the Dasuya tehsil. The total number of occupancy tenants is 39,875 of which Hindus are 14,230, Sikhs 5,304, Scheduled Castes 1,706, others 148 and Muslims 18,487. This is for the tehsil of Dasuya. Now take the acreage. The total acreage is 3,13,081 of which 1,19,133 acres are owned by Hindus, 52,087 by Sikhs, 112 acres owned by the Scheduled Castes, 65 acres by others and 1,41,684 acres by Muslims. Now my submission is that taking the number of landowners, non-Muslims are in a majority even excluding the Christians. Take the acreage held, the non-Muslims are in a majority even excluding Christians. Christians do not figure even so far as land revenue and occupancy tenants are concerned. They constitute typically that class which I described

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yesterday as 'birds of passage'. They are menials, landless people and even if you lump them along with the Muhammadans, there is no clear majority. In the census of 1941, these two communities put together show a majority of 422. I have asked my friends again to verify these figures. I have these figures village by village and as we examine them we find that totals are wrong to the tune of several thousands in some cases. It was pointed out by Mr. Setalvad in the case of Shakargarh. I have checked totals in the case of other tehsils and as I come to these districts I will put them before this Commission. But where is the majority? I therefore submit that as far as the claim of the Muslim League to Dasuya tehsil is concerned, it has no substance.

As regards the other areas claimed by the Muslim League I will examine that case when the Muslim League puts its case before the Commission. We have no data at present. You will notice in the Sikh Memorandum at page 48 paragraph 53, last three sentences:

> The districts in the Ambala and the Jullundur divisions are democratic in their tenures and show a high percentage of landowners cultivating their lands. The yield per capita in these two divisions is low as compared with the yield per capita in the western part and consequently the pressure of population upon soil is comparatively heavier in these two divisions than that in the western part. Again the cultural set up of these two divisions is predominantly non-Muslim. The Muslims do not form a majority of population in any one of the eleven districts of the Ambala and the Jullundur divisions. The small riverain tracts in some sub-districts in the Jullundur division are inhabited by Muhammadans, the other parts of these sub-districts being predominantly non-Muslim in their population[1].

What I mean at the end of paragraph 54[2] will be clear if you examine a case. I am referring to the *Assessment Report of the Amritsar District*, 1939. What I mean is this that there are undoubtedly parts of Ajnala, Zira, Ferozepore, Nakodar and Jullundur tehsils, where Muslims form a majority. My point is that although they form a majority in a part of these tehsils, in the other part of these tehsils the non-Muslims form a majority.

[1] *Vol. I, p. 379.*
[2] *Ibid.*

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I am illustrating that point by submitting how these tehsils are situated. They are all on the river side. Take for instance, Ajnala. The Ajnala tehsil, according to the *Assessment Report* of 1939 is divisible in four tracts, namely, the *nahri* tract, the *utar* tract, the *hithar* tract and the *sailab* tract. The *nahri* is a portion of the Upper Bari Doab. The Upper Bari Doab also irrigates a part of the *utar* or upland tract. The *nahri* and the *utar* join the Tarn Taran and Amritsar tehsils. Then there is the riverain and *hithar* tract. It is in this portion that the Muslims form a majority. If you exclude these portions from the other portion which is canal irrigated, forming part of the *nahri* and the *utar*, in which the major portion of the population is concentrated, in which the cultivators reside and not the persons carrying on fish trade in those portions of the Ajnala tehsil, it is the Sikh Jat who predominates.

Then again, take the Zira tehsil. If you take the Zira tehsil, there also you will find that this tehsil adjoins the Moga tehsil which is one of the strongholds of the Sikhs. In all the sub-districts of the Punjab province, the Sikh population is concentrated in the Moga tehsil of Ferozepore district and in the Tarn Taran tehsil of Amritsar district. They are overwhelmingly Jat Sikh tehsils. Zira adjoins the Moga tehsil. Therefore Zira forms one contiguous tract with non-Muslim Punjab and they are not claiming Moga. Muslim League does not claim Moga tehsil and therefore if I can show that three-fifths of the Zira tehsil is overwhelmingly non-Muslim and Jat Sikh, then the dispute will be about the remaining two-fifths. The same argument will apply to Ferozepore, Nakodar and Jullundur tehsils.

MR. JUSTICE DIN MUHAMMAD: On a point of information. In the statistics, out of a population of 2,10,219 the Sikhs are shown as 56,000[1].

SARDAR HARNAM SINGH: It is therefore that I said that the non-Muslim population is upto Dharamkot thana and the village of Lohgarh. Draw a line there and you will find it. I do not know the case of the other party, but if you leave the borders of Moga tehsil and go right up to Dharamkot police station...

MR. JUSTICE DIN MUHAMMAD: Even the total population is not large. It is sixty five thousand[2] out of two lakhs.

[1] *According to the printed Census Report, 1941, the total population of Zira tehsil was 2,10,819 out of which Sikhs were 50,209.*

[2] *The correct figure is 50,000.*

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SARDAR HARNAM SINGH: That 65 thousand[1] is concentrated in the upland area. That is my point. The population of Hindus, Sikhs and Scheduled Castes in Ajnala, Zira, Ferozepore, Nakodar and Jullundur tehsils is concentrated in the upland area and a very large portion of that population is Jat Sikh. The balance is in the riverain tract and that is occupied by Muslims. I invite your attention to paragraph 53 at page 48 of the Sikh Memorandum[2]:

> The small riverain tracts in some sub-districts in the Jullundur division are inhabited by Muhammadans, the other parts of these sub-districts being predominantly non-Muslim in their population.

And these other parts which are predominantly non-Muslim in population are contiguous to Eastern Punjab. They form one belt. The geographical position of the riverain tracts, their linguistic and cultural set up and their connection with the markets of the uplands make them inseparable parts of the Eastern Punjab. That is all I can say at this stage. We have collected data for all these tehsils. Rai Bahadur Badri Das is incharge of Nakodar and Jullundur tehsils. He will put before this Commission all the information regarding Jullundur and Nakodar tehsils, and I submit that there is an overwhelming case for the non-Muslims for the inclusion of those riverain tracts in the Eastern Punjab.

And this brings me to the Upper Bari Doab area. The Upper Bari Doab area is Gurdaspur, Amritsar and Lahore districts of the Punjab. Sufficient data has been placed before the Commission by Mr. Setalvad with regard to the inclusion of these three districts in the Eastern Punjab. I will only be supplementing that data in some other respects. I believe the position is clear that this canal was in the first instance dug for the benefit of disbanded Sikh soldiers. I am placing before you certain passages from the book *Punjab in Peace and War* by Thorburn.

Maharaja Ranjit Singh took waters of the river Ravi to Amritsar to fill the sacred tank called the Golden Temple. I believe that the members of this Commission know that the sacred tank of Amritsar, the sacred tanks of Tarn Taran and Khadur Sahib and Sri Hargobindpur in Gurdaspur district and all those gurdwaras

[1] *Ibid.*
[2] *Vol. I, p. 379.*

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sacred to the memory of Sikh Gurus in Amritsar and Gurdaspur receive water through the Upper Bari Doab Canal. The purpose of the Maharaja to take waters of the Ravi from Madhopur in Gurdaspur district to Amritsar district was to fill the sacred tanks. In Amritsar proper there are several sacred tanks such as Lachhmansar, Santokhsar, Ramsar and they all received the flow of water from the Upper Bari Doab Canal. In Amritsar district there is gurdawara Khadur Sahib sacred to the memory of the second Guru, Guru Angad. There is Sri Hargobindpur in the Gurdaspur district. The foundation of the city was laid by the sixth Guru, Guru Hargobind. The sacred tank at that place also receives its water from the Upper Bari Doab Canal. This was the purpose which was uppermost in the mind of the Maharaja. It also yielded some revenue to the Maharaja. But the purpose was not irrigational, the purpose was to fill the sacred tanks in Gurdaspur and Amritsar districts.

Now I read out a passage from the book by Thorburn. At page 264, he says as follows :

> After annexation one of Henry Lawrence's earliest self-imposed duties was the conversion of the Hasli into a great irrigation canal: if he could but intercept the Ravi under the hills, and spread its waters over the Manjha, the profits from plough and hoe would reconcile the disbanded Khalsa to the loss of sword and musket. His project materialised into the Bari Doab Canal, the headworks of which are at Madhopur near Pathankot.

I have in my hand a book known as *Canal Irrigation in the Punjab* by Paustian, instructor in Economics, Columbia University. This was published in 1930. He made extensive research in the Punjab canal irrigation system and the book is the result of his research. At page 26 he says :

> During the Sikh regime the Huslee Canal was extended from Lahore to Amritsar to fill the tanks surrounding the Golden Temple in that famous holy city of the Sikhs. At the time of annexation this canal was producing a net income for the Government of Rs.76,000 collected in the form of water rates from lands irrigated at the rate of Rs.2-6-8[1] per acre.

[1] *i.e., two rupees, six annas and eight pies; an anna is 1/16 of a rupee and a pie is 1/12 of an anna. Anna and pie were both withdrawn after the introduction of decimal coinage in India (1957) and in Pakistan (1961).*

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MR. JUSTICE TEJA SINGH : From where has he taken these figures?

SARDAR HARNAM SINGH : He has taken these figures from the *Administration Report of the Punjab*. My point was that this canal as an irrigational channel was planned and projected for the benefit of disbanded Sikh soldiers. You will find this reference at page 27 of this book where it is said :

> Work was thus immediately begun on the new surveys and the projection of the irrigation schemes which were to change the economic significance of the entire Punjab. Not only were the British quick to see the advantages which might accrue to the Government from the development of irrigation schemes to improve the economic condition of the Punjab peasant, but there was a poignant need of finding some kind of work for the disbanded Sikh soldiers who, immediately after annexation, were demobilised and left without any settled mode of earning a living in a peaceful manner.

My claim that the Upper Bari Doab Canal was planned for the benefit of the disbanded Sikh soldiers is borne out by historical records.

Now let us examine this irrigation system and then try to ascertain the Sikh position as regards this canal system. This canal irrigates the districts of Gurdaspur, Amritsar and Lahore. I crave your indulgence because I am going to quote once again the facts and figures in regard to land revenue, acreage and ownership, etc., in these districts. The total land revenue of these districts is Rs. 55,23,439. Out of this the Sikhs pay Rs. 32,31,591[1], the Muslims pay Rs. 15,88,293 and others pay Rs. 7,03,555[2]. This clearly shows that the economic interests of the Sikhs in this irrigation system far outweigh those of the other communities put together.

Now coming to the acreage held by different communities, the total acreage of these three districts is 37,55,127 and out of this the Sikhs hold 20,12,783. The proportion of the land revenue paid would show that the Sikhs hold the best land. The Muslims hold 11,24,807 and the total of non-Muslims' holding is 26,30,320. This again would show that the economic interests of the Sikhs in

[1] *Rs. 32,36,591 according to the figures received officially by the Commission.*
[2] *Rs. 6,98,555 according to official figures.*

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this area (known as the Upper Bari Doab Area)—commanded as well as uncommanded because uncommanded only means that some more effort is required to bring that area within the jurisdiction of the canal—outweigh the interests of all the other communities put together.

Now let us come to landowners including occupancy tenants. The land owners in this tract number 7,07,276; the Muslims are 3,15,100; the Sikhs are 2,98,666; the total of non-Muslims is 3,92,176. The excess of non-Muslims over Muslims therefore is 77,076. Now taking the landowners excluding the occupancy tenants in this tract the figures are: total 5,98,996; the Sikhs are 2,65,646; the Muslims are 2,57,492; the non-Muslims total 3,41,504 and the excess of non-Muslims over the Muslims is 84,012[1]. Therefore I say that examine this question from any point of view and then try to ascertain who are the 'birds of passage' and who are the trees and plants of this soil. The inference is obvious, not the Muslims but the non-Muslims, especially the Sikhs. This is the special feature about the Sikhs that I submitted.

MR. JUSTICE MUHAMMAD MUNIR : Are occupancy tenants 'birds of passage'?

SARDAR HARNAM SINGH : No, I said people who are occupancy tenants and those who own lands are connected with the soil.

MR. JUSTICE MUHAMMAD MUNIR : If these two classes are put together then the Muslims are in excess by 77,000[2].

SARDAR HARNAM SINGH : I submit that this excess of 77,076[2] is of non-Muslims. The non-Muslims are in excess by about 10 per cent over the Muslims.

[1] *The figures officially received by the Commission in respect of Lahore, Amritsar and Gurdaspur districts are as follows :*

LANDOWNERS INCLUDING OCCUPANCY TENANTS			
Total number	..		*7,07,236*
Muslims	..		*3,15,100*
Non-Muslims (including Sikhs)	..		*3,92,136*
Sikhs alone	..	*2,99,167*	
Excess of non-Muslims over Muslims	..		*77,036*
LANDOWNERS EXCLUDING OCCUPANCY TENANTS			
Total number	..		*5,99,036*
Muslims	..		*2,57,492*
Non-Muslims (including Sikhs)	..		*3,41,544*
Sikhs alone	..	*2,66,146*	
Excess of non-Muslims over Muslims	..		*84,052*

[2] *The official figure is 77,036.*

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MR. JUSTICE MEHR CHAND MAHAJAN : Mr. Harnam Singh, arithmetic need not be argued.

SARDAR HARNAM SINGH : Sir, I submit that take the whole of the tract together, you cannot split it up. If you split it up, you break the economy of the area.

MR. JUSTICE TEJA SINGH : What is the area of these three districts?

SARDAR HARNAM SINGH: The area of these three districts is 5,986 sq. miles. The Commission will be pleased to notice that the total area of other districts in the Punjab is far in excess of these three districts. Multan is 5,561 square miles, Dera Ghazi Khan is 8,010 square miles, Hissar is 5,184 square miles and the area of Jhang is 5,601 square miles[1]. Therefore the point is that the total area of this tract is less than the area of some other districts and it was divided into 3 districts by reason of the density of population. This was one of the perennial canals and for reasons of density of population this area was sub-divided into three districts. Therefore I say that taken as a whole it is one unit. I also submitted yesterday that standard Punjabi is spoken in all these districts.

MR. JUSTICE DIN MUHAMMAD: Have you studied the system of administration during the Maharaja's time? Was it distributed into divisions or districts?

SARDAR HARNAM SINGH: I will let you know later on. Therefore you will find that from the linguistic point of view, this area constitutes one unit. It is a single, indivisible irrigational unit.

The Sikh history centres round these three districts of Lahore, Amritsar and Gurdaspur. If you look at Schedule I to the Sikh Gurdawaras Act, 1925, it gives a list of some of the more important historical Sikh gurdwaras. The preamble to the act makes it clear and the judges who constitute this Commission have decided numerous cases under this act. This act was passed for the better management of some of the more important Sikh gurdwaras;

[1] *The area of these districts according to the 1941 Census are :*

		Sq. Miles
Lahore, Amritsar and Gurdaspur Districts	..	*6,013*
Multan District	..	*5,653*
Dera Ghazi Khan District	..	*9,364*
Hissar District	..	*5,213*
Jhang District	..	*3,415*

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gurdwaras either put up by the Gurus themselves or connected with incidents in the lives of the ten Gurus. They are set out in the schedule and you will find that the first 23 gurdwaras in the schedule are situated in Lahore district. The first 11 of them are within the corporation limits of the city of Lahore, the first in point of importance is Janamasthan Guru Ramdasji situate inside Chune Mandi. The others are Dera Sahib Gurdwara, Mozang Gurdwara connected with Guru Har Gobind and so on. In the city there is the Temple Bauli Sahib Gurdwara in Dabbi Bazaar.

MR. JUSTICE DIN MUHAMMAD: In respect of the figures given by you earlier, they seem to be wrong. The total of these three districts comes to 6,013, Multan 5,653, Jhang 3,415, Kangra 9,979, D. G. Khan 9,364, Muzaffargarh 5,605. These are the official figures.

SARDAR HARNAM SINGH: These are survey figures and not revenue figures; that makes the difference. Revenue figures and survey figures are both given there. The point is that the area of these three districts is hardly equal to one district.

I was submitting about the historical and religious interests of the Sikhs in these three districts and I invited your attention to the list of Sikh gurdwaras printed in the act. The first gurdwara is in the city of Lahore, the most sacred and the holiest, Janamasthan Guru Ramdasji. Then there is the sacred temple at Amritsar and the tank known as Ramdas Sarovar, sacred to the memory of the fourth Guru. The temple was built at the time of the fifth Guru. Now with your permission I shall refer to the *History of Sikhs* by Hari Ram Gupta (1739–1768), page 227. It gives an account of what happened on the 16th of May, 1765:

> Gujar Singh was the first to enter the fort with 50 chosen followers. Then, as a pre-arranged signal for summoning Lehna Singh, he set the wooden pavilion of Ahmad Shah on fire. Lehna Singh soon followed Gujar Singh. Amir Singh was taken prisoner and detained in Mozang and then the fort of Lahore came into Sikh hands without much resistance.

My point is that the city of Lahore was captured by Sardars Gujar Singh and Lehna Singh and on that day—

> Chaudhri Rupa, Lala Bishen Singh and Maharaja Singh, the grandsons of Diwan Surat Singh, Mir Nathu Shah, Hafiz Qadir

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> Bakhsh and Mian Muhammad Ashiq and other grandees of the city led a deputation into the fort and in the course of an interview with Sardars Gujar Singh and Lehna Singh, said, 'This city is called the Gurus' Cradle. If you look after it, you will also prosper, but if you ruin and destroy it, you too will derive no profit and advantage'.

Then in the footnote it is said :

> The fourth Guru Ramdas, the ancestor of all the succeeding Gurus, was born and brought up in Lahore.

There are mosques and temples here in Lahore, I am aware of that. My point is, as I submitted yesterday, that a distinction is to be drawn between temples and mosques built by the founders of the respective faiths and other temples and mosques. Here is a temple where the fourth Guru was born. Here is a temple at Dera Sahib where the remains of the fifth Guru lie. It commemorates the martyrdom of the fifth Guru. You know that everyday thousands of Sikhs go to Gurdwara Dera Sahib in the early hours of the morning for worship. They come not only from the surrounding *abadis* but from distant *abadis*. The whole Sikh history, religious as well as political, is inseparably connected with the temples in the city of Lahore and in the villages in this district. If you turn to Schedule I, you will find that the whole countryside in Lahore district is dotted with these shrines sacred to the memory of the Sikh Gurus. It is those shrines which I have in mind when I am putting the case before the Commission. A list of the gurdwaras is given in the appendix to the act.

MR. JUSTICE MUHAMMAD MUNIR: How many sacred shrines are there in the whole of the Punjab which are associated with the lives of the Gurus?

SARDAR HARNAM SINGH: The total number in the schedule to the Sikh Gurdwaras Act is 241.

MR. JUSTICE MUHAMMAD MUNIR: I am asking you if you can give me this information as to how many gurdwaras there are in the Punjab which are associated with the lives of any of the ten Gurus.

SARDAR HARNAM SINGH: The number is much less than 241. There are gurdwaras associated with Sikh martyrs. I will make a list of them and put it before you. The total number of gurdwaras

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under the management of the S.G.P.C[1]. is 762 and this number includes 241 in the schedule. These gurdwaras are places of worship built by the Sikhs for the benefit of the Sikhs. Mr. Justice Din Muhammad has decided numerous cases under section 16 of the Sikh Gurdwaras Act. Most of these Sikh gurdwaras have no connection with the life of the Gurus.

MR. JUSTICE MUHAMMAD MUNIR: Reading from your own book, there are over 700 shrines hallowed by the touch of the feet of the Sikh Gurus in the Punjab. Is this correct? My question is how many Sikh gurdwaras are there which are associated with any incident in the life of each of the ten Gurus? Is the figure 700 given by you correct or not?

SARDAR HARNAM SINGH: It does not appear to be correct. I should have said all the Sikh gurdwaras which are being managed by the S.G.P.C[1]. There is some confusion. The present number is 762. At the time it may have been 700. Therefore I submit that as far as Lahore district is concerned, you may refer to this schedule. I may here mention the sanctity from the Sikh point of view attached to Shahid Gunj Singhanian. One of the members of this Commission[2] was associated with the decision of a case regarding Shahid Gunj Singhanian which was taken upto the Privy Council. Therefore I submit that as far as historical and religious associations are concerned, the Sikh history is inseparably bound up with the history of Lahore.

Then I would go to Amritsar district. The first in point of time is Sri Harmandar Sahib, mentioned as Darbar Sahib or Golden Temple, then is Gurdwara number 27, Akal Takht or Akal Bunga that is also within the precincts of the Golden Temple. I mention specially this Akal Takht Sahib because according to the Sikh religion there are four seats of spiritual authority and Akal Takht is the seat of spiritual authority from which mandates are issued to congregations on matters connected with Sikh life and religion. Another is Patna Sahib in Bihar, the third is Nandar Sahib, the domain of the Nizam of Hyderabad and the fourth is Kesgarh Sahib in Hoshiarpur district. These are the four seats of spiritual authority, but from time immemorial Akal Takht at Amritsar has been the principal seat of spiritual authority on all matters,

[1] *Shiromani Gurdwara Prabandhik Committee.*
[2] *Mr. Justice Din Muhammad is meant.*

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religious as well as political. This is the place where Guru Har Gobind—the sixth Guru of the Sikhs—was installed on the gadi on the death of Guru Arjan in 1606. It is this place where transformation of Sikhism began. Students of history know that when Baba Budha was going to instal the Guru on the gadi, then the sixth Guru asked Baba Budha to give him two swords, the one of peace and the other of war and it is that day that marks the transformation of Sikhism. The Guru, during his lifetime, wore two swords and he called the one of *Miri* and the other of *Faqiri*—translated by historians as the swords of peace and war. Baba Budha was a famous Sikh who was a contemporary of Guru Nanak. He was born in village Ramdas, Amritsar district, and there is a sacred shrine in village Ramdas in Ajnala tehsil of Amritsar district. He hailed from Ramdas village. As I said, he was the contemporary of Guru Nanak, Guru Angad, Guru Amardas, Guru Ramdas and he lived upto the time of the sixth Guru and this old philosopher and contemporary of the Gurus, when the installation ceremony was taking place, handed over to the Guru a rosary. The Guru said, "It is very good, I want some other thing. I want two swords, the one of peace and the other of war". This has been described as the great transformation in Sikhism. Up till this day the Akal Takht has been to the Sikhs the principal seat of spiritual authority. Then we have got in the town of Amritsar the tower of Baba Atal, the son of Guru Hargobind, and then there are other shrines of Babek Sar, Ram Sar and the principal tanks which are fed by the Upper Bari Doab Canal, the gurdwaras built therein, the places where the Gurus sat, where the scripture was dictated and where the scripture was compiled. Those tanks are sacred from the times of the Gurus. I mentioned earlier that these tanks are fed by the Upper Bari Doab Canal and the Maharaja[1] was anxious to take the water of river Ravi to fill these tanks in Amritsar. Therefore I submit that from serial No. 26 down to serial No. 67 there are forty principal Sikh shrines and these are mostly in villages of Tarn Taran, Amritsar and Ajnala tehsils of the Amritsar district. I was just mentioning that the famous philosopher Baba Budha hailed from Ramdas, a village in Ajnala tehsil, and that is as much a sacred shrine to the Sikhs as the other shrines, barring the shrines of Janam Asthan at Nankana Sahib, the Janam Asthan at Lahore,

[1] *i.e. Maharaja Ranjit Singh, see p. 159 supra.*

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the Kartarpur shrine in Gurdaspur district and the Golden Temple at Amritsar.

Then we go to Gurdaspur district. The shrines of that district are listed from Nos. 68 to 81[1]. In this group there are two shrines which are more important than the others. The one is in Sri Hargobindpur in Batala tehsil of Gurdaspur district. The foundation of that shrine was dug, according to historians, by Guru Hargobind himself. The stone was laid and the foundations were filled by the great Guru himself when he rested there for a number of years. Then we have got the shrine in Kartarpur in Shakargarh tehsil of Gurdaspur district where Baba Nanak, the founder of Sikhism, spent the last twenty years of his life and where he expired. History says that he was partly buried and partly cremated.

MR. JUSTICE DIN MUHAMMAD: Both the Muslims and Hindus claimed him as their spiritual leader.

SARDAR HARNAM SINGH: Yes. If history and religion have got any value in the demarcation of the boundary line between two sovereign states and if these factors count at all, it is for you to judge, because whenever this question of boundary line has arisen, according to authority which was cited before you by Mr. Setalvad, history, traditions and religion have played a very important part.

Guru Nanak was married and his wife hailed from Pakhoke in Batala tehsil. At present there is a gurdwara known as Darbar Sahib Dera Baba Nanak and the town is named after the great Guru. The shrine is the shrine of Guru Baba Nanak. That is why all these gurdwaras are listed. A perusal of Sikh history would show that the Sikh history centres round these three districts i.e., Gurdaspur, Amritsar and Lahore. History and tradition are relevant to the present enquiry. Then again, I submit that these factors go in favour of the inclusion of these areas in the Eastern Punjab, in favour of which the Sikhs have made their selection. That is my point. I submit with great respect that if history and traditions have been considered to be relevant in other countries, then they are very very relevant factors in the present case, for the division proceeds on the basis of religion.

MR. JUSTICE MUHAMMAD MUNIR: There has never been a division on the basis of religion.

[1] *Of the Schedule to the Sikh Gurdwaras Act (VII of 1925).*

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SARDAR HARNAM SINGH: That may be. But I am comparing those divisions which have been insisted on by reasons of political considerations with the divisions which have been insisted on the basis of religious requirements. Religion, according to the Muslim League, means nationality, and therefore I submit that the religious considerations form a very important factor and this factor goes in favour of the inclusion of these areas in the Eastern Punjab.

MR. JUSTICE MUHAMMAD MUNIR: What is the date of the death of the last Guru?

SARDAR HARNAM SINGH: It is 6th October, 1708.

MR. JUSTICE MUHAMMAD MUNIR: From the time of Guru Baba Nanak up to 1708 there was unbroken succession of Gurus?

SARDAR HARNAM SINGH: Yes. Guru Baba Nanak was born in 1469 in village Talwandi, which was at that time included in the civil district of Lahore, but at present it is included in the civil district of Sheikhupura and called Nankana Sahib. What is now known as Nankana Sahib was originally known as Talwandi, birth-place of the Guru. It was then in the district of Lahore and for some time remained a part of the Gujranwala district and when a new administrative unit was created, it was included in the Sheikhupura district. Sheikhupura district was carved out of 3 districts, a part of Lahore, a part of Sialkot and a part of Gujranwala. Guru Baba Nanak was born in 1469 and died in 1539 and there was unbroken succession of Gurus between 1469 and 1708 A.D.

Again, Lahore district is a Muslim majority district in the aggregate, but if you take that portion of Kasur tehsil which adjoins Amritsar and Tarn Taran tehsils—two predominantly Sikh tehsils—you will see a different picture. If you exclude the area of Kasur town and a part of Sadar Police Station Kasur and the area of Gandasinghwala Police Station, then you will find that the balance of Kasur tehsil is a non-Muslim majority area.

MR. JUSTICE DIN MUHAMMAD: Calculating in this way, every bit of the Punjab will be a non-Muslim area.

SARDAR HARNAM SINGH: If those bits cannot be joined with one another, you cannot do it. Take the population figures of Gujjar Khan town. It must remain in Pakistan because it has got no contiguity to the Eastern Punjab. Now the area of Gandasingh-

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wala Police Station is a Muslim majority area. The total population is 47,361 and out of this total the Muslims number 38,866 and the non-Muslims number 8,495. Now this area adjoins a Muslim majority district, the Montgomery district. Now if you exclude this Muslim majority area, the balance becomes a non-Muslim majority area.

The total population of the municipality of Kasur is 53,101; the Muslims number 39,295 and the excess of Muslim population over the non-Muslims is 25,489. Now if you exclude this area the rest of Kasur which adjoins the Tarn Taran tehsil of the Amritsar district becomes a non-Muslim majority area and if they are joined together, it becomes a non-Muslim majority area.

MR. JUSTICE TEJA SINGH: Can you give us the figures in regard to that part of the Kasur area which is a non-Muslim majority area?

SARDAR HARNAM SINGH: I shall give you the figures as soon as I collect them. I am placing before you similarly an area in Lahore and Chunian contiguous to Kasur tehsil and again contiguous to Tarn Taran tehsil of the Amritsar district; one block running one way and that is *Utar*, the Majha or upland. My submission therefore is that taking the Majha of Lahore district, the non-Muslims are in a majority.

MR. JUSTICE MEHAR CHAND MAHAJAN: Is this the same area which was shown by Mr. Setalvad?

SARDAR HARNAM SINGH: Yes, but I am putting it in a different way. He put it from the point of view of the canal irrigation system.

Therefore, my submission would be that for the reasons put forward by Mr. Setalvad and set out in the two memoranda[1] and for cultural and linguistic reasons, the Upper Bari Doab tract is preponderatingly non-Muslim and I submit that for all these reasons these three districts of the Punjab must be included in the Eastern Punjab.

Now leaving these three districts, we go across the Ravi. I am placing before you some figures relating particularly to this tract which I call Shri Kartarpur, that is the Narowal and Shakargarh tract. This tract across the Ravi in the Rachna Doab comprises

[1] *Vol. I, pp. 323, 384.*

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parts of Gurdaspur and Sialkot districts—one compact block, non-Muslim in majority of population, non-Muslim in cultural and linguistic affiliations, non-Muslim from the point of view of land owned and land revenue paid and the number of landowners and occupancy tenants. This is my claim qua this area.

There are three parts—Shakargarh tehsil of Gurdaspur district, 116 villages of Pathankot tehsil of Gurdaspur district, then there is, barring two *zails* on one end, the whole of Narowal tehsil and a portion of Pasrur containing the Narowal tehsil. The portion of Sialkot district is contiguous to Shakargarh and Shakargarh is contiguous to Pathankot area and thus Shri Kartarpur tract is contiguous to the Eastern Punjab. My point is that take these three parts separately or together, from any point of view, they are non-Muslim majority areas in population, in ownership of land and in all other respects. The information which is contained in the statement[1] that I place before you, relates to the position as obtains in these areas which constitute a compact block contiguous to Eastern Punjab. I may mention here that Narowal and Pasrur area is that area which measured swords with Maharaja Ranjit Singh himself. This area from linguistic point of view, cultural point of view, and religious point of view has no affinity with the Rawalpindi and Multan divisions of the Western Punjab. The whole of the cultural set up is preponderatingly non-Muslim in this tract.

With these few preliminary remarks I will proceed to examine the figures. These figures, I may mention, are taken from official information supplied to the Boundary Commission. Take population factor first in Shakargarh. It is given in Table No. 6, the last table[2]. Now according to the census figures that Mr. Setalvad gave you, it was shown that the Muslims are in a majority of over seven thousand. We have totalled up the figures given village-wise of this sub-district of Gurdaspur from census figures maintained in the Secretariat available for inspection here. The examination shows an excess of Muslims over non-Muslims by 1,617[3]. You may take them as the final figures and not an excess of some seven thousand and odd. The percentage comes to about 50.27[4] for Muslim

[1] *See Appendix I, infra.*
[2] *Ibid.*
[3] *The correct figure is 4,999; see footnote 3, pp. 61-62, supra.*
[4] *Actually 50.86; see footnote 3, pp. 61-62, supra.*

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population. That is the balance in favour of Muslim community in this tract. But we have to take along with it another tract of Gurdaspur; namely, the Pathankot tehsil of the Gurdaspur district across the river Ravi. The Muslims lose by 5,180[1] in these villages. Then we have got 15 villages of Gurdaspur tehsil with *hadbast* numbers 6–17 and 19–21, and the figures are available in the office. The balance in favour of Muslims is 86[2]. Therefore as far as this area of Gurdaspur in the Rachna Doab across the river Ravi is concerned, we have a balance of 3,477[3] in favour of non-Muslims.

MR. JUSTICE TEJA SINGH: Does this constitute the entire area of Gurdaspur?

SARDAR HARNAM SINGH: Yes. Thus taking all the villages of Gurdaspur district across the Ravi the net result is that in Gurdaspur the balance in favour of non-Muslims is 3,477[3].

MR. JUSTICE MEHR CHAND MAHAJAN: In the Gurdaspur district across the Ravi there is a net non-Muslim surplus of 3,477?

SARDAR HARNAM SINGH: Yes[3]. Therefore I submit that if the other part of the Upper Bari Doab, Gurdaspur district, is included in the Eastern Punjab, then there would be no argument in favour of the exclusion of this area from the Eastern Punjab knowing that this area is contiguous to that area and is a non-Muslim majority area.

Then we come to the Narowal block. I again submit that there would be no force in my argument if the Narowal block of the Sialkot district was not contiguous to this area. I have taken the 1941 Census figures and the area that I claim I have mentioned at

[1] *According to the calculations based on figures supplied to the Commission by the Deputy Commissioner, Gurdaspur, the excess of non-Muslims comes to 5,092 and not 5,180 as stated by the learned counsel.*

[2] *According to figures received officially by the Commission the balance was against the Muslims by 33.*

[3] *According to the official figures, this excess in favour of non-Muslims comes to only 126 as worked out below :*

	Excess of Muslims	*Excess of Non-Muslims*
Shakargarh tehsil (vide footnote 3, pp. 61-62, supra)	*4,999*	
Part of Pathankot Tehsil (vide footnote 1 above)		*5,092*
Part of Gurdaspur Tehsil (vide footnote 2 above)		*33*
	4,999	*5,125*
Excess of non-Muslims in these parts		*126*

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the head of the consolidated statement that I have placed before you. They are all contiguous villages forming one compact zone with a homogeneity of population, identity of outlook and culture and in other respects adjoining the borders of Shakargarh tehsil and the Upper Bari Doab area of Gurdaspur district. If you examine the figures of this area, the population figures, the Muslims again lose by 3,781[1]. They lost by 3,477[2] in the Gurdaspur zone and they lose by 3,781[1] in the Narowal zone of Sialkot district. The balance in favour of non-Muslims in these two tracts would be 7,258[3].

Then you go to the Pasrur tehsil. In that tehsil on population basis the Muslims lose. These villages lie on the border of Narowal tehsil and form one compact block. I am taking these villages because the families are divided on both sides of this line, the same tribe, the same clan. My submission is that the balance in favour of the non-Muslim population would be 7,992—total[4]. Therefore we have got a tract across the Ravi contiguous to Eastern Punjab and which has got non-Muslim majority population. I agree that if they can point out that there are other factors which are powerful enough to override the population factor, I am prepared to concede their claim. Here this tract is popularly known as Kartarpur tract after the famous shrine of Kartarpur. Then take the other factors into consideration, factors of history, traditions, religious sentiments, economic interests and so on. Taking all these into consideration, rule me out if those factors are in favour of the Muslim community and powerful enough to override the population factor.

I have given here in these charts information in regard to these

[1] *It has not been possible to check the figures as the Census Register of the Narowal tehsil was not available at the time of editing these proceedings.*

[2] *126, according to official figures; see footnote 3, p. 172, supra.*

[3] *See footnotes 1 and 2 above.*

[4] *The learned counsel has taken the excess of non-Muslims in the Pasrur Zone as 734, and this figure again could not be checked as the Census Register was not available. If this figure as given by the learned counsel be taken as correct, then the total excess of non-Muslims in all the three zones would come to 4,641 as worked out below :*

Gurdaspur Zone (vide footnote 3, p. 172 supra)	*126*
Narowal Zone (vide footnote 3 above)	*3,781*
Pasrur Zone (as given by the learned counsel)	*734*
Total	*4,641*

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areas. Beginning with Shakargarh[1], Muslims hold 1,20,703 acres of land and non-Muslims 1,84,788, thus the balance being 64,085 in favour of non-Muslims. Then land revenue: Muslims pay Rs. 1,79,523 and non-Muslims Rs. 2,57,996 thus leaving a balance of Rs. 78,473 in favour of non-Muslims. Take now the villages in the Gurdaspur tehsil. Muslims own 1,477 acres, while the non-Muslims hold 3,085 acres, the balance being 1,608 acres in favour of non-Muslims. In respect of land revenue, Muslims pay Rs. 2,451 per annum, while the non-Muslims pay Rs. 3,464, the balance being 1,013 in favour of non-Muslims. Then the villages in the Pathankot tehsil. Acreage of Muslims: 9,256 and that of non-Muslims 60,436, the balance in favour of non-Muslims being 46,611. Then take the Pasrur villages. Acreage: Muslims 7,052, non-Muslims: 15,116, balance in favour of non-Muslims: 8,064. Revenue: Muslims Rs. 11,130, non-Muslims Rs. 25,030 and balance in favour of non-Muslims Rs. 13,900. Narowal area: Acreage—Muslims 64,860, non-Muslims 1,28,164. Thus the non-Muslims have an excess of 63,304 acres. Revenue—Muslims Rs. 1,13,222, non-Muslims Rs. 2,11,856, which means that the non-Muslims pay an excess of Rs. 98,634 as land revenue. In the Sri Kartarpur tract the non-Muslims are in a majority by 7,992[2].

[1] *The figures quoted by the learned counsel on this page have been checked up with the official figures collected by the Commission through the Deputy Commissioners. The official figures are :*

VILLAGES IN THE GURDASPUR TEHSIL

	Muslims	*Non-Muslims*	*Excess over Muslims*
Land owned (acres)	*2,083*	*2,569*	*486*
Land revenue (Rs.)	*2,466*	*3,757*	*1,291*

VILLAGES IN THE PATHANKOT TEHSIL

Land owned (acres)	*9,796*	*31,868*	*22,072*

VILLAGES IN THE PASRUR TEHSIL

Land owned (acres)	*7,053*	*15,174*	*8,121*
Land revenue (Rs.)	*11,157*	*25,018*	*13,861*

VILLAGES IN THE NAROWAL TEHSIL

Land owned (acres)	*64,359*	*1,28,405*	*64,046*
Land revenue (Rs.)	*1,12,320*	*2,11,556*	*99,236*

[2] *Should be 4,641; see footnote 4, p.173 supra.*

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This is the population factor and the figures for land revenue show that the economic interests of the non-Muslims in this zone far outweigh the economic interests of the Muslims. The shrine of Kartarpur commemorates the memory of Guru Nanak who spent the last years of his life at the place and where he died in 1539 A.D.

(At this stage the Commission rose for lunch and re-assembled at 2.00 pm when Sardar Harnam Singh continued his arguments.)

SARDAR HARNAM SINGH : I will now describe the Nankana Sahib tract in the Rachna Doab. If you will kindly refer to the map you will find that this tract called the Nankana Sahib tract of the Shahidi *Bar* comprises parts of Lyallpur, Sheikhupura and Gujranwala districts. This is the tract which is referred to as the non-Muslim majority tract in the Sikh Memorandum and in the Congress Memorandum.

MR. JUSTICE MEHR CHAND MAHAJAN : The Congress has connected it with Narowal.

SARDAR HARNAM SINGH: I am showing the non-Muslim majority area. You will find that this area comprises a major portion of Lyallpur tehsil, a major part of Jaranwala and parts of Samundari and Toba Tek Singh tehsils of the Lyallpur district. It includes the major portion of Sheikhupura tehsil and a part of Gujranwala tehsil and also includes within its limits the Nankana Sahib town and the estate of Nankana Sahib. A look at the map would show that this is one contiguous solid block of territory within the Rachna Doab. Head Balloki is shown on the map in Chunian tehsil. This portion of Chunian tehsil is predominantly a Sikh portion. It is in Lahore district; a part of the Upper Bari Doab Canal. The entire Lahore district is contiguous and should go to the Eastern Punjab. You take this map of Lahore, Gujranwala, Sheikhupura and Lyallpur, keep it before you and I will state my point.

Before I place my arguments, I will draw your attention to the index plans in *Kripalani's Assessment Report* for Lyallpur district for the year 1935-36. He has given four plans of the four tehsils of Lyallpur district, which show the tribal distribution, namely,

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Sikhs in yellow, Hindus in blue, Muslims in red, *Janglis* in green and *Sufedposhes* in a circle.

MR. JUSTICE DIN MUHAMMAD: Is *Jangli* also a religion?

SARDAR HARNAM SINGH: *Janglis* profess Islam. I am taking them as one. In these plans villages are in one compact block. If you turn to the index plan of Toba Tek Singh, you will find that it is a compact block and adjoins Jhang on the one side and Montgomery on the other and is contiguous to the Samundari block on the one side and Lyallpur and Jaranwala on the other. The settlement in these colonies was on the basis of tribal considerations. If you examine Samundari—the three non-Muslim *zails*—they are continguous to Toba Tek Singh. The map which I have placed before you is a consolidation of the four index plans in *Kripalani's Assessment Report.* There are, of course, in this block small pockets of Muslim population.

I may again draw your attention to the plan of the Sheikhupura tehsil which is contiguous to this area. You will see that Nankana Sahib estate is adjacent to Mananwala. Gujranwala tehsil is divisible into four assessment circles. They are (1) *Bar,* (2) *Bangar,* (3) *Charkhari* and (4) *Kalar.* The *Bar* circle adjoins the Sheikhupura tehsil. There again the *Bar* circle of Gujranwala circle is a non-Muslim majority circle. Parts of the *Bangar* circle on the borders of the *Bar* circle constitute a non-Muslim majority area. Therefore the result is that we have got a tract comprising parts of Toba Tek Singh, Samundari, Jaranwala and Lyallpur tehsils together with a major portion of Sheikhupura tehsil, barring four *zails* at one end which joins the Hafizabad tehsil of the Gujranwala district and the *Bar* and *Bangar* portions of the Gujranwala tehsil which is a non-Muslim majority area. The question is that if you find a contiguous block of substantial area which can be attached to the Eastern Punjab, that block should go to the Eastern Punjab. In regard to this particular area the total population of the area is 9,98,535; nobody can deny that it is a substantial block. I have set out these figures in Appendices A, B[1] and C[2] and what I am going to give now is a consolidated account of what appears in those Appendices. Now the total population of this block, as I have already mentioned, is 9,98,535. Out of this 5,78,166 are non-Muslims and 4,20,369 are Muslims; the balance in favour of the

[1] *Vol. I, p. 398.*
[2] *Not available in the Commission's records.*

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non-Muslims being 1,57,797. The non-Muslim population in this tract is 58 per cent of the total.

MR. JUSTICE MUHAMMAD MUNIR: How have you arrived at these figures?

SARDAR HARNAM SINGH: They are official figures. I have got a copy certified by the District Magistrate.

MR. JUSTICE MUHAMMAD MUNIR: Have you given the names of the villages?

SARDAR HARNAM SINGH: Yes, the population is given village-wise and *zail*-wise in the official records. The location of the villages is given in the maps. It is also abundantly clear from the index maps of the assessment reports.

I have given this Court *[sic]* an idea of the population of this tract. If you look at the acreage you will find that the Muslims in this zone hold 3,52,037 acres of land, the non-Muslims (among whom 95 per cent are Sikhs) hold 9,57,898 acres which is about 3 times as much. This means that the area held by the non-Muslims in this large tract is in excess by 6,05,861 acres. The total land revenue of this tract is Rs. 69,99,767 per annum. I gave this Commission in the earlier part of the day the land revenue of the three districts, Gurdaspur, Amritsar and Lahore, and that was Rs. 55,23,439 and the land revenue in this tract aggregates to Rs. 69,99,767. The non-Muslim share amounts to Rs. 52,88,614, the Muslim share being Rs. 17,10,953; that means an excess of Rs. 35,77,661 in favour of the non-Muslims. This is a brief description of the area which is a non-Muslim majority area in population and the figures of acreage and land revenue are a further proof in my favour.

MR. JUSTICE MUHAMMAD MUNIR: Mr. Harnam Singh, tell me the principle by which you have drawn the boundary line. Should I take it that all the villages surrounding this area are Muslim majority areas?

SARDAR HARNAM SINGH: Not all the villages. There may be some. I have taken *zail* as the principle. *Zails* shown in this area are taken from the assessment reports which are contiguous and owned and held by the Sikhs. I have not split a *zail*, there may be small pockets of Muslim population here and there. This tract consists of 50 *zails* and the villages of Lyallpur included in this area are 501 and they are contiguous. If you look at Appendix B[1],

[1] *Vol. I, p. 398.*

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you will find that the total population of the area of Lyallpur district included in this tract is 6,17,979 and of this population 2,33,555 is the Muslim population, the balance of about 60 per cent is non-Muslim population.

In my scheme I have seen another advantage. The Mountbatten Plan proceeds on the basis that as far as possible large bodies of Muslims and non-Muslims should remain in their own respective zones. Now take Lyallpur district. The total Sikh population of Lyallpur district is 2,62,737. If you include this tract in the non-Muslim Punjab then out of the total Sikh population of 2,62,737, 2,31,496 will be included in the Eastern Punjab. That is a great merit in itself. If it satisfies other requirements, this fact cannot be ignored. The total Hindu population is 2,56,007[1]. Out of this population 1,82,928 will be included in this part of the Lyallpur district which is the non-Muslim block of the Lyallpur district. Please note further that this is not an artificial division. It began with the colonization of the district. The authorities have proceeded on this basis from the very beginning in Lyallpur district. They have allotted areas to Hindus and Sikhs in one zone and to the Muslims in another zone. Take another aspect of the matter. The Sikhs have essential agricultural interests in the Lyallpur colony. The total area held by the Sikhs amounts to 5,14,510 acres and you will be astonished to see that in this area alone, out of the area held by the Sikhs, 4,77,887 acres are included. In giving these figures my point of view is this that if you are going to place non-Muslim population in the Eastern Punjab, then there would be no justification for including in the Western Punjab a large area of about 3,000 square miles in which the non-Muslims form a majority of population.

MR. JUSTICE TEJA SINGH: You might also give total area owned by the Hindus.

[1] *Correct population figures for the Lyallpur district according to 1941 Census are as follows:*

Muslims	*8,77,518*
Sikhs	*2,62,737*
Hindus	*1,35,937*
Scheduled Castes	*26,358*
Ah-Dharmis	*41,764*
Christians	*51,694*
Others	*297*
Total	*13,96,305*

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SARDAR HARNAM SINGH: Hindu area is very small. If you look at the assessment report you will find here and there one or two Hindu villages and this is all the land held by Hindus in this area. This is one aspect of the matter. You find that the total area of this block of territory is in the neighbourhood of 3,000 square miles which is equal to the size of a fairly big district. I have given the land revenue paid which is equal to the land revenue of three or four districts. Therefore I say that if you do not include this tract in the Eastern Punjab, you will be depriving the non-Muslim population of the Eastern Punjab of a large block of territory held and owned by them, equal in size to the size of a district, more important from the land revenue point of view than four districts put together and which they can claim on the basis of population factor and also on the basis of other factors. I refer you to page 162 of Darling's book *Punjab Peasant in Prosperity and Debt.* What is the description that he gives of this district :

> Lyallpur is the daughter of the central Punjab. . . .

MR. JUSTICE DIN MUHAMMAD: Who is the son? *(Laughter).*
SARDAR HARNAM SINGH: The son may be born after the Award of the Boundary Commission. *(Laughter).* The mother and the child both have been crying all these years under the tyranny of the communal rule and there has been no progeny. After the Award of the Boundary Commission I am sure a son will be born. Now what does Mr. Darling say :

> Lyallpur is the daughter of the central Punjab as Shahpur is of the north and of the west. From Amritsar alone over 1,00,000 have migrated to the *Bar*[1].

A passage from page 136 of the same book was placed before this Commission by Mr. Setalvad. *[It reads :]*

> No colony could have had better material, for Ludhiana, Jullundur and Amritsar represent the flower of Indian agriculture. They are the home of the Jat Sikh, who has been described as 'the most desirable of colonists'. It would be difficult to say which of the three has produced the best type : for industry and thrift the Ludhiana Sikh is hard to beat, and the Sikh from Amritsar, though he may be spendthrift and violent, is unsur-

[1] *Malcom L. Darling, op. cit., p. 162.*

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passed as a cultivator[1].

Therefore I submit, that this area is a typical Sikh area in the colony district of Lyallpur. It is a separate block distinct from the Muslim block in the Lyallpur district in which the Muslims have likewise developed. Therefore I say that there would be no justification on population and other grounds to deny the Sikhs and the Hindus of the Eastern Punjab this part of Lyallpur, Sheikhupura and Gujranwala districts. If you will look at page 5 of the official *Settlement Report* of the Lyallpur district of 1940, which is the latest, you will find that this area is described as a homogeneous area of the Jat Sikh population—"Jat Sikhs from the central districts now form a homogeneous body".

MR. JUSTICE DIN MUHAMMAD: You have given us certain maps. Is your claim confined only to the portions you refer to now or to the whole of the districts which you have marked on the plan?

SARDAR HARNAM SINGH: On other grounds I have claimed them. I say that merely on population basis I am entitled to these tracts. I have made two sets of claim to this area separately. I say that if this area and the Shakargarh, Narowal and Pasrur areas are allotted to the Eastern Punjab on population basis and on the basis of other factors, then for strategic reasons, cultural reasons, linguistic reasons and so on, for a proper share in the perennial waters and colony areas of the Punjab and in the Crown waste lands and unclassed forests, the boundary of Eastern Punjab must extend up to the Chenab.

MR. JUSTICE DIN MUHAMMAD: I would like you to give me a picture of the position of the Sikhs in the entire area which you now claim should be included in the Eastern Punjab, because you said that the primary object of this division was to give the Sikhs a strong position. I would like to know what the position of the Sikhs in the entire area would be according to the claim made by you.

SARDAR HARNAM SINGH: Yes, I shall do it.

MR. JUSTICE MUHAMMAD MUNIR: You do not want the boundary to be drawn along the line of the block that you have given us in this map?

SARDAR HARNAM SINGH: No. I will deal with this area now in

[1] *Malcom L. Darling, op. cit., p. 136.*

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some detail. I begin with Appendix A annexed to my memorandum[1]. It gives the position of the non-Muslims versus Muslims so far as the tract of Sheikhupura district is concerned which is sought to be included in the Eastern Punjab. There are three Appendices attached to the memorandum[1] which set out the position of the Sikhs, the Muslims and the non-Muslims in this block of territory. Appendix A shows the acreage position of the sixteen *zails* of Sheikhupura tehsil which are contiguous to the Nankana Sahib estate and which are sought to be included in this tract. The figures are :

	Acreage	*Land revenue (per annum)*	*Population*
Muslims	1,30,737	5,63,847	1,56,033
Non-Muslims	3,41,777	11,99,695	1,61,422

I am taking the tract as a whole and the component parts of this tract. In the tract as a whole the non-Muslims also form a majority in population. It is not that I have taken one portion of Sheikhupura district and included it in a larger portion of Lyallpur district and in the ultimate result it is non-Muslim majority area. In the component parts I will show that the non-Muslims form majority of population as also in the aggregate and the economic interests of the non-Muslims outweigh economic interests of the Muslims. This area includes the shrines of Nankana Sahib.

SIR MUHAMMAD ZAFRULLAH KHAN: I have a little difficulty in following. Perhaps he would explain it: If you look at the map in the blue book—the Hindu-Sikh case—you will find that there is a bend. That is not included in this Appendix.

SARDAR HARNAM SINGH: That is not included in this Appendix. I am giving the figures of the bend separately. That bend is not included in Appendix A but if you include the population of the bend in this tract even then the tract is preponderatingly a non-Muslim majority area.

MR. JUSTICE TEJA SINGH: Is it the case regarding the whole bend or part of it?

SARDAR HARNAM SINGH: Part of it.

SIR MUHAMMAD ZAFRULLAH KHAN: Is the bend up to the Deg Nullah included in Appendix A?

SARDAR HARNAM SINGH: I am just including fifteen *zails*. The whole of the bend is not included.

[1] *Vol. I, p. 398.*

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SIR MUHAMMAD ZAFRULLAH KHAN: Up to where?
SARDAR HARNAM SINGH: From Nankana Sahib town and estate upto Ravi is not included in Appendix A. In this portion of Sheikhupura district the non-Muslims form majority in population and non-Muslims have got substantial economic interests which are twice as much or much more than the economic interests of the Muslim community.

I am submitting, that Nankana Sahib, which is the principal shrine of the Sikh community, the birth-place of the founder, comparable in sanctity to the Mecca for the Muslims, is in this area and if the location of the Sikh shrines is some factor—and it was repeated in the House of Commons that that is a factor—and if religious considerations prevail, if religious considerations are a factor, then it would go to the East. Read at page 2 of Macauliffe's *The Sikh Religion*, Volume I. He says, "At Nankana every place with which Nanak had any association is deemed sacred". That is the description he gives of this place. Trevaskis in *Punjab of Today* describes Nankana Sahib as the 'holiest of the holy' of the Sikh community. I need no authority to submit that Nankana Sahib is the principal shrine of the Sikh faith. I therefore submit that if Nankana Sahib falls within a compact block of non-Muslim territory which is again contiguous to the Eastern Punjab, there would be no justification for its non-inclusion in the Eastern Punjab. I would ask how would you deny that territory to the Eastern Punjab. I would have gone so far as to submit that special arrangements must be made for the inclusion of such a block within the non-Muslim Eastern Punjab but if it is on merits a part of the Eastern Punjab, if the Lyallpur population of this part is in fact population of the Eastern districts, if these people have still their homes and hearths in the eastern part and they have gone there to colonize only, it will be unfortunate that a son may belong to one nationality and the father may belong to another nationality, the mother possessing Indian nationality and the daughter the Pakistani nationality. I have drawn attention of the Commission to the map in the *Assessment Report*. A bare look at the map would show that the part that I claim is a non-Muslim majority area and preponderatingly non-Muslim in other respects.

Not only Nankana Sahib but the gurdwara of Khara Sauda or Sacha Sauda in the Chuharkana *zail* and the other old historical

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gurdwaras sacred to the memory of the first Guru will be included in this block.

If you see Appendix C, you will find that the area that I claim is the *Bar* circle of Gujranwala tehsil. It is adjacent to Sheikhupura tehsil. Now in this *Bar* circle and villages of Thabal and Mangoke *zails*, which are on the border of this *Bar* circle, the total population is 63,111. Out of this the Muslims are 30,781 and the non-Muslims are 32,330. This is a separate circle for administrative purposes of the Gujranwala tehsil, quite distinct and apart from other circles of *Bangar*, *Charkhari* and *Kalar*. A reference to Appendix C would show that the total amount of acreage of this part of the Gujranwala tehsil is 1,30,312 acres. Out of this the non-Muslim share is 1,07,032 and the Muslim share is 23,280 acres, that is, the economic stake of the non-Muslims is about 5 times as much as the stake of the Muslims in this part of the Gujranwala tehsil. The figures with regard to land revenue are: Non-Muslims pay Rs. 1,39,614 and Muslims pay Rs. 31,374, which leads to the same result that the economic stake of non-Muslims in this part of the Gujranwala tehsil is about 5 times as much. Therefore this part along with Sheikhupura tehsil area and Nankana Sahib is a non-Muslim majority tract. I have already given a similar picture about Lyallpur district. Apart from other matters that I have referred to, there is another matter. The important Virk tribe of Sikh Jats in Gujranwala and Sheikhupura districts is concentrated in this part of Sheikhupura and Gujranwala districts.

MR. JUSTICE DIN MUHAMMAD: Is it not correct that both Muslims and Sikhs are Virks?

SARDAR HARNAM SINGH: Very few of the Muslims are Virks. About 99 per cent Virks are Sikhs. Sir Michael O'Dwyer at one time Deputy Commissioner, Gujranwala district, writes in the *Gujranwala District Gazetteer*, 1895 (page 58) :

> The Virakhs[1] hold 120 villages... Politically they are by far the most important tribe in the district. They are mainly Sikhs, in the *Bar* nearly always so, and physically are a fine athletic manly race, far surpassing in energy and industry any of their Muhammadan neighbours... They were among the first to

[1] *'Virks' according to Sir Denzil Ibbetson, Punjab Castes, (Lahore: Superintendent, Government Printing, 1916), p. 119.*

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> embrace the militant Sikhism propagated by Guru Gobind Singh, and to take advantage of the decay of Mughal power to establish themselves in the centre of the Doab. The native army and the military police of Burma, Hongkong and the Straits Settlements receive many recruits from this tribe, and even now some of them are to be found in the service of the British Companies in East and South Africa.

That is his report. My submission is that if you include this tract in the Eastern Punjab, then the area inhabited by Virk tribe, who hold 120 villages, is included in that part. In the aggregate both these areas form a non-Muslim majority area and this leads us to the same conclusion that it should be included in the Eastern Punjab.

I promised to give some figures in detail about these four tehsils of Lyallpur district[1]. Beginning with Lyallpur, I submit—I am taking the whole tehsil—that the area allotted to non-Muslim colonists is 6,10,818 acres and to Muslim colonists 6,31,505 acres[2]. The total area allotted in the Lyallpur tehsil in 1940 according to the *Settlement Report* of Mr. Kripalani, was 16,73,139 acres. As regards the area of this tehsil which is sought to be included in this block, I have given the figures separately in Appendix B and I need not repeat them.

Then we come to Jaranwala. There we have got 269 assessment circles. You will find that Muslim colonists hold 18%; the Sikh colonists 43%; the Janglis 28%; Hindus 7% and the mule breeders 4%, so that the Sikh colonists predominate in the Jaranwala tehsil. In this area the principal marketing towns are Lyallpur, Chak Jhumra, Jaranwala and Nankana Sahib and in these marketing towns the Hindus and Sikhs form majority of population. Mr. Setalvad so ably put before you the commercial, trading and industrial interests of the non-Muslims in the colony areas and I am putting before you facts and figures in regard to the population in these towns. Needless for me to add that all these marketing towns are the results of Hindu-Sikh enterprise. In Lyallpur the total population is 69,930; the Muslim population is 23,003, i.e., 1/3rd of the total. In Chak Jhumra the total population is 4,764

[1] *cf. his reply to Mr. Justice Din Muhammad's question, p. 180, supra.*

[2] *According to the official information supplied to the Commission, the figures are 1,86,873 acres and 2,08,167 acres for non-Muslims and Muslims respectively.*

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and the Muslim population is 1,619, again 1/3rd of the total. In Jaranwala the total population is 9,833, the Muslim population being 2,534. In Nankana Sahib the total population is 12,981, the Muslim population being 2,900. There are four markets for the Jaranwala tehsil and in all those markets you will find non-Muslims predominating and the development of these markets has all along been by the non-Muslim enterprise.

The *Assessment Report* of Mr. Kripalani shows that the *zails* of Jaranwala tehsil that I have claimed, namely, Badwali, Hattarwali, Khurrianwala, Jaranwala, Pauliani, Jassauana, Awagat, Satiana, Buchiana, are all predominantly Sikhs *zails*. Then we come to Samundari. All the three *zails*, namely, Samundari, Rasiana, Tarkhani are Sikh *zails* and contiguous to each other and to the non-Muslim area in tehsil Lyallpur. Then coming to Toba Tek Singh we find that all the *zails*, namely, Pacca Anna, Gojra, Yakkar, Janiwala, Toba Tek Singh and Dhabbanwala are all Sikh *zails*. In Gojra the total population is 12,964 and out of this 3,253 are Muslims and all the arguments which apply to the other marketing towns apply with greater force to Gojra. The population, acreage and land revenue paid by various communities is given in Appendix B. The population of Toba Tek Singh town is 6,666 and out of this population there are only 1,902 Muslims. The population, acreage and other figures about land revenue will show that the Muslims in these areas are a landless people. In the *mandis* they form in some cases one-third and in other cases one-fourth of the total population but they own no land, carry no business, run no shop and manage no factories.

That is the picture of this portion of Lyallpur district. Therefore I say that take these four parts separately or take them together, from whatever point of view you look at them, you find that all points of view go in favour of the non-Muslims. I am prepared to concede if there is some other factor which is so important in its operation so as to override the population factor and the other factors that I have mentioned, historical, linguistic, economic and religious. The question remains as to how this area should form part of the Eastern Punjab? My reply is, as I submitted yesterday. I drew the attention of this Commission to the Ahmadiyya Memorandum[1], not that it is binding on anybody but

[1] *Vol. I, p. 428.*

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that it lays down a rule which is a fairly sensible rule, a rule as has been recognised in such matters. The rule is consistent with the principle of self-determination and I submit that I repeat my submission again on this subject. I am just now placing figures about the part connecting this tract with Lahore district or Chunian tehsil. I support the arguments of Mr. Setalvad that he has given in support of the contiguity of that area with Eastern Punjab. If you accept the position put before this Commission by Mr. Setalvad, then I need not give any other arguments. When I was talking of the Virk tract of Sheikhupura and Gujranwala districts, Sir Zafrullah wanted some information, whether the *zails* of Nathiana, Khairpur, Qila Dharamsingh, which are in this part, are also included in these figures and I submitted that Appendix A does not take notice of them and the area which connects them with Lahore district.

MR. JUSTICE MEHR CHAND MAHAJAN: What is the area of that bottle-neck?

SARDAR HARNAM SINGH: There are only three *zails* and the total population is 63,587; out of this, Muslims are 41,978 and non-Muslims 21,609. Here is a situation where two large blocks of territory on both sides, according to my submission, non-Muslim, are separated by three *zails* with a total population of 63,587 and with a Muslim population of 41,978. The question that arises is whether the right of self-determination of 41,978 Muslims can deprive the two large blocks from joining.

MR. JUSTICE DIN MUHAMMAD: When you are claiming the whole district, this question does not arise.

MR. JUSTICE MEHR CHAND MAHAJAN: If you take the Congress plan, there is another gap between Ravi and tehsil Chunian.

SARDAR HARNAM SINGH: In the Congress plan the block, which is shown white as distinct from the red portion, is not the non-Muslim block. In Qila Dharam Singh *zail* you will find from the acreage figures which I am going to give that the majority of the land is held by the Sikhs. In this *zail* your Lordships will find from the acreage figures which I am giving that the majority of the estate is held by Sikhs.

I know the case of a famous Jathedar, Sardar Kehar Singh, where the father is living on one side in Chunian tehsil, village

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Bhuchoke, and the son is living on the other side in Qila Dharam Singh *zail*. Villages are divided on both sides of the river. One village Bhuchoke on one side and another village Bhuchoke on the other side. Do not therefore take in that map that the white portion denotes Muslims and the red Hindus. White is the portion uncommanded by the Upper Bari Doab Canal. Therefore I submit that that does not stand in my way. That portion cannot deprive me of this huge block of tract equal in importance to four districts from the revenue point of view and equal in size to the size of a fairly big district and containing as much population as a big district. All the Hindu and Sikh population in that huge block will be included in this tract which may be described as the Nankana Sahib tract. This is my case with respect to the Nankana Sahib tract. I have claimed it on economic, historic, linguistic, religious and economic considerations as well as on population basis and if you find that *mandis* in this area have been developed wholly on account of the Hindu-Sikh enterprise then I submit that the *mandis* and the rural areas must go together. Hydro-electric line was mentioned by Mr. Setalvad as one of the considerations, supply of electricity to industrial and commercial concerns and to the town-dwellers in this particular tract of Sheikhupura and Lyallpur districts. My submission is, this is again another feature.

The next question that arises is how do I claim the balance of the area. I will not retread the grounds so ably covered by Mr. Setalvad but I will draw your attention to one aspect of the matter which possibly escaped his attention in the lengthy arguments that he addressed to this Commission. That is a fairly important aspect of the matter. That aspect you will find dealt with in paragraph 37 of my memorandum[1]. You will find that on page 40[2] of the printed book I have given some figures of the total cultivable area in the seven canal irrigated districts of the Eastern Punjab according to the provisional division. In these seven canal irrigated districts of the Eastern Punjab we find that 11.24 million acres are the total cultivable area; out of this 2.6 million acres is irrigated per annum. This means that about 22 per cent of the cultivable area in the seven districts of the Eastern Punjab is irrigated every year. I have called the other part of 17 districts as

[1] *Vol. I, p. 371.*
[2] *Ibid., p. 372.*

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the western part. In that area there are 15.15 million acres of cultivable land and out of it 6.84 million acres is irrigated per annum. This means that in this part it is about 48 per cent. In the western part there are large blocks of Crown waste lands and the government wanted to develop these Crown waste lands and derive the maximum benefit. The result was that the waters of Beas river, which was to irrigate the Jullundur district first, were taken to the Nili Bar Colony and the Bahawalpur State with the result that we find that the district of Jullundur is going to ruins for want of irrigational facilities. That is one aspect of the matter and I submit that unless you give me the colony areas of Lyallpur and Montgomery districts, this disparity will not be removed. That is an additional argument to the arguments submitted by Mr. Setalvad.

Another aspect of the matter arises out of the resolution of the Punjab Government passed on the 14th April, 1934. The effect of that resolution was that the government recognised before any such controversies arose, as have appeared in the division of the Punjab, that is a sort of *ante litum* resolution of the Punjab Government, that the waters of the rivers were the property of the whole body of citizens. The government laid down a principle that the waters in Punjab rivers and the Crown lands irrigable by them were the property of the state, that is to say of the whole of the citizens. If you look at the hydrographs appended to the statistics of irrigation water distribution published in 1943, you will find the result that I have indicated at page 43[1]. That is, if you take the minimum water-supply in these rivers during the months of January and December, the total cusec discharge of waters of these rivers including the waters of Jhelum and Indus is 54,222 cusecs. Of these, the cusec discharge in Jhelum is 7,856 and the Indus cusec discharge above Kalabagh is 28,265. The result is that if you give me waters of the Jumna, Sutlej, Beas, Ravi and Chenab, you give me one-third of the perennial supply of waters in the Punjab for a population which is much more than 33 per cent. Then non-Muslim population is 43 per cent and the population of the 12 districts called Eastern districts in the provisional division is 40.6 per cent of the total. The waters are the property of the citizens and if the Punjab is going to be

[1] *Vol. I, p. 375.*

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divided, it must be so divided that the waters of the rivers are equitably divided in the two parts. Some system has to be adopted and I submit with all respect that if the waters of the river Chenab are given to me, even then I will be getting only one-third of the perennial supply of water.

Another point arises in regard to the waters of these rivers. The maximum discharge of these waters will show that out of these rivers some are rivers by courtesy and others are rivers in fact. The Ravi is a river by courtesy. I have seen young women with pots on their heads crossing on foot the river Ravi in certain months of the year. The cusec discharge shows that if some barrier, for example, some strategic frontier is to be created between two sovereign independent states, it is not possible with Ravi. The maximum cusec discharge of Indus is 9,17,015 cusecs, Jhelum 7,60,000, Chenab 7,18,000 and Ravi 2,60,000. If some river is to form the frontier between two sovereign states, some large river should be taken. I adopt the other arguments of Mr. Setalvad with respect to this area.

MR. JUSTICE DIN MUHAMMAD: Is Sutlej a large river?

SARDAR HARNAM SINGH: Its discharge is 3,15,000 cusecs. It is not a large river in the sense that Chenab is a large river.

MR. JUSTICE DIN MUHAMMAD: The largest river would be Indus. Why don't you go to the Indus?

SARDAR HARNAM SINGH: Please give us, and you will be maintaining the traditions of this country, the historical and other traditions and providing for a country living in peace and contentment, if you recommend to your Chairman that the boundary of the Eastern Punjab should go up to the banks of the river Indus.

MR. JUSTICE DIN MUHAMMAD: There is an important document which may concern you. This is in reference to Mr. Henderson's speech in the House of Commons. An enquiry was made from His Excellency the Viceroy :

> Reference your telegram, dated 22nd July[1] regarding Mr. Henderson's reference to Boundary Commission's terms in the House of Commons on the 14th July.
>
> 2. Mr. Henderson's remarks were wrongly reported in the Indian Presss. The relevant passage from his speech is as follow :

[1] *Vol. I, p. 212.*

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The provision that 'other factors' will be taken into account has been made by Prime Minister to enable the Commission to have regard to special circumstances of Sikh community in Punjab where considerations such as location of their religious shrines can reasonably be taken into account up to a point. I would, however, emphasise to Committee that it is for Commission itself to decide what are other factors and how much importance should be attached to all or any of them.

3. Regret must claim privilege for correspondence between Viceroy and Secretary of State or Under-Secretary of State but this has been made available to Sir Cyril Radcliffe who will show it in confidence to his colleagues[1].

SARDAR HARNAM SINGH: This does not make the least difference. All religious shrines of the Sikh community cannot be included in the Eastern Punjab. All I submitted was that considerations of the location of religious shrines is a factor which must be taken into account.

(The Commission then rose for the day to meet again at 10.00 am on Friday, 25 July 1947.)

[1] *Vol. I, p. 222.*

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25 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Friday, 25 July 1947 at 10.00 am.)

ARGUMENTS OF THE SIKHS—*Contd.*

MR. JUSTICE TEJA SINGH: Sardar Harnam Singh, you wanted to give us some figures. Are those figures ready?
SARDAR HARNAM SINGH: Let Mr. Bannerji speak. I will submit the figures after he has finished.

ARGUMENTS OF THE CHRISTIANS
(Nationalist Christian Association)

MR. BANNERJI *(Representing the Nationalist Christian Association):* Sir, I have filed a memorandum on behalf of the Nationalist Christian Association[1], a body which has been in existence in the Punjab.
MR. JUSTICE DIN MUHAMMAD: Before you begin, I may invite your attention to a letter received from one Mr. S. G. Dutta who describes himself as Party Leader, Punjab Christian League and in this letter he challenges your credentials.
MR. BANNERJI: Naturally he would do so because he is the person who has signed a memorandum[2].
MR. JUSTICE DIN MUHAMMAD: He says:

> I respectfully beg to submit that it is only a paper organisation (which is represented by Mr. Bannerji) and has no real existence. Mr. Bannerji until 21st June, 1947, was the acting General Secretary of the Punjab Indian Christian Association. He was still the Secretary when the Executive Committee of the Association issued a directive to the Christian M.L.As to vote for Pakistan. He resigned not of any friction or difference of opinion but because he was too busy with personal affairs to continue satisfactorily as the Secretary of the Indian Christian Association.

[1] *S. No. 32 in the list appearing as Enclosure to No. 243, Vol. I, p. 476.*
[2] *Probably the reference is to S. No. 30 ibid.*

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Possibly he is referring to some letter that you may have sent to him :

> I hope you will ask Mr. Bannerji when the Nationalist Christian Association came into being, who are the office-bearers, when was he elected Secretary, how many members are there, whether they possess a Minute Book or a Receipt Book and whether they ever held an Annual Conference. The Commission may kindly ask him to produce the Receipt Book in which the membership fee has been acknowledged. It is possible a few so-called Nationalists may have grouped themselves together under the high sounding name of the Nationalist Christian Association. But I categorically challenge their bona fides as an established organisation.

MR. BANNERJI: I am glad Mr. Dutta considers it a high sounding name. So far as other allegations of Mr. Dutta are concerned, they are best known to him than anybody else. In any case, I will make the position clear.

I do not wish to take much time of this Commission for the simple reason that the time at the disposal of the gentlemen who have to address after me is very little and therefore I will just try to make a suggestion or two. The position that I wish to lay before this honourable Commission is the position of the Punjab Christians with reference to the position of the Christians in the whole of India. Before the Announcement of 3rd June 1947[1], the Christians of the Punjab had been considered to be a part and parcel of the Christians of the whole of India and the thing that I wish to emphasise is the homogeneity that the Christians have enjoyed throughout India irrespective of the various provinces to which they belong. I must emphasise this fact that the Christians have not suffered from that provincial spirit from which, I might say, certain communities or certain classes in India have suffered. In other words, this distinction, that has existed between people of one province or the other, has not been marked in the case of the Christian community in India. I will just give this honourable Commission a few figures with reference to the Christian population in India. The total population of Indian Christians in British India—I wish to emphasise the words 'Indian Christians'—accord-

[1] *Vol. I, p. 4.*

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ing to the census of 1941 is 31,45,706. I might bring this fact out also that a good deal of protest was raised at the time of the publication of the *Census Report* that certain of the Christians residing in tribal areas, which roughly speaking amounted to six lakhs, had not been included in the population of Christians in British India for the purposes of the census and the census authorities took note of the fact. The total population of Indian Christians in the whole of India, that would be including Indian States, according to the census figures is 60,40,665. This would include a large number of Christians who are living in the Indian States of South India, namely, Travancore, Mysore and Cochin. So far as Punjab is concerned, the population of Indian Christians in the Punjab is 4,86,038.

MR. JUSTICE DIN MUHAMMAD: Sir Tek Chand, may I address you for a minute? We have received a telegram from the Maharaja of Bikaner that you along with Rai Bahadur Badri Das may represent the State in respect of the memorandum[1] that Bikaner State has submitted to the Commission. I may inform you that my colleagues and I consider that you may be entitled to any time that you require out of the quota which is allotted to the non-Muslims.

BAKHSHI SIR TEK CHAND: I am not well. Mr. Soni will do so. After Mr. Bannerji, Rai Bahadur Badri Das will speak, then Mr. Soni and the remaining time will be taken by Mr. Setalvad.

MR. BANNERJI: According to the notional division, the total number of Indian Christians, who are in Pakistan is 5,01,106. As I understand from newspaper reports, as many as 37 Indian States joined the Indian Union on the 14th July. If we include the Indian Christians of those states also, then the total number of population up-to-date would approximately be 86 per cent in the Indian Union and 14 per cent in Pakistan. The fact that is emphasised in this memorandum is the factor of homogeneity of the Indian Christian community in India and the desire that as many as possible of the Indian Christians residing in India at present should be grouped in one state rather than separately. So far as that is concerned the position of the Punjab has been that within the last half a century or so a number of Christian pioneers came from other provinces of India, particularly from the provinces of

[1] *Vol. I, p. 416.*

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Bengal, Bombay and the United Provinces and they took up pioneering work in the Punjab. They started a number of hospitals, a number of educational institutions and a number of other social welfare centres like the Y.M.C.A., Y.W.C.A. and other social organizations for the good of the general public. So far as those pioneers were concerned, they more or less domiciled themselves in the Punjab, but their relationship, their social and other contacts remained with other provinces of India throughout. There have been frequent cases of inter-marriage between Christians living in the Punjab and the Christians living in other provinces. Christians in the Punjab have taken up, without any hesitation, residence or services in other provinces and vice versa.

So far as the missionary work in the Punjab is concerned, it has not gone on the provincial basis, but almost the entire missionary work in the Punjab has got an All-India contact. If you please turn to my memorandum, you will find that I have given a list of various organizations which have their branches in the Punjab, but whose All-India centres are in other provinces of India. On page 2, first I have given the Y.M.C.A., which organization has an important branch in Lahore, but has its headquarters at Calcutta, with whom they are in communication, get grants and various other kinds of help in the matter of staff and so on and so forth. The same is the position of the Y.W.C.A., whose headquarters are at Lucknow. Then so far as the position of the Church is concerned, the seat of the Metropolitan Church of India, Burma and Ceylon, it has its headquarters at Calcutta. The Catholic Church has three Archbishops at Delhi, Agra and Bombay and the Archbishop of Delhi has more or less jurisdictional and administrative control of the Catholic work in the Punjab. Then we have the National Christian Council with headquarters at Nagpur. Then there is the United Church of North India, with which are connected big organizations like F.C. College and other colleges and institutions. Their headquarters are at Ludhiana and Dehra Dun. In fact their important meetings are held at Ludhiana and their secretariat is at Dehra Dun. Then there is the All-India Conference of Indian Christians with headquarters at Delhi. Then we have the National Missionary Society with headquarters at Madras and lastly there is the Student Christian Movement in India with headquarters at Allahabad.

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From these you will be pleased to find that almost all the Christian organizations working in the Punjab have their headquarters in other provinces of India and the segregation of these provincial activities from the rest of India is bound to have a repercussion on the provincial activities of Christian organizations in India inasmuch as there would be serious difficulty in the matter of giving grants, in the matter of interchange of staff, and in the matter of other interchanging activities, which would come to almost a standstill with the segregation of this part of the Punjab from the rest of India.

The next I wish to draw your attention to is that in the year 1935, India was separated from Burma and Burma became a separate colony and therefore it lost all contact with India. From that time onward, before the passing of the Government of India Act 1935 for Christian activities Burma was considered a part of India and therefore there was interchange of various missionary activities between Burma and India as it has been between various provinces of British India uptil now. The result of segregation of Burma has been that the Christians in India have lost all possible contact with their Christian brethren in Burma. There is no communication now of that free nature which existed prior to the passing of the Government of India Act 1935. My submission is that we are likely to have a similar kind of fate of separation of the Indian Christians of the Western Punjab or Pakistan from their 86 per cent brethren in the rest of India.

The question naturally arises, what would our association suggest as to the area which should be included in the east. So far as this is concerned, I shall draw your attention to paragraph (4) of my memorandum, in which I have given a list of a number of districts. They are Multan, Montgomery, Lyallpur, Gujranwala, Sialkot, Gurdaspur, Sheikhupura, Lahore, Amritsar and Ferozepore which constitute the bulk of the Indian Christian population in the north of India, not only in the north of India but in that area of Pakistan which is included in the present notional division. I have given the population of Indian Christians in those districts in Appendix B[1] of my memorandum.

MR. JUSTICE DIN MUHAMMAD: Have you calculated the population of the Indian Christians of the Eastern Punjab according to the notional division?

[1] *Vol. I, p. 398.*

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MR. BANNERJI: Yes. The population is 60,955.
MR. JUSTICE DIN MUHAMMAD: The remaining four lakhs fall in the Western Punjab.
MR. BANNERJI: That is exactly my grievance. In reality the bulk of their population should have been in the Indian Union for the reasons that I have given in my memorandum.

I would like to draw your attention to one more factor and that is, that the Christians in the whole of India and particularly in the Punjab have uptil now emphasised that they should keep up friendly relations towards all the other communities. Now the memorandum that has been filed by the Joint Christian Board[1] emphasised that they have in the Punjab more leaning towards one community as against the other. I would most strongly urge that that position is not only wrong but is against the policy of the Christian community in India. They have kept up friendly relations with all the communities and they are not prepared to deviate from that policy.

The question naturally arises whether the memorandum filed by the Joint Christian Board is really coming from a body which has a very high sounding name. The memorandum is supposed to emanate from the Punjab Indian Christians Association and my respectful submission is that the Punjab Indian Christians Association has ceased to be a political body, and that I say with some authority, because till the 21st of June, I was the acting Joint Secretary of that association. On account of the political changes in the country it was decided almost unanimously that the Punjab Indian Christians Association should no longer dabble in politics for which a separate association would be created. I would in this connection draw your attention to a statement issued by the President of the Pakistan Christian League who is also one of the signatories on this memorandum. In that statement, he says :

> The foundation of a new organisation called the Pakistan Christian League was laid at a recent meeting of the Christians held under the chairmanship of Dewan Bahadur S. P. Singha. It was proposed to declare the Punjab Indian Christians Association a non-political body to serve the cultural link with the rest of India and provide an inter-denominational platform for

[1] *S. No. 11 in the list appearing as Enclosure to No. 243, Vol.I, p. 475.*

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> social and economic activities of the community. The Pakistan Christian League was a purely political body... and all the Christian M.L.As would agree to accept allegiance to it.

The same position is reiterated in the *Tribune* of the 21st July. Originally there were three bodies—*(i)* The Punjab Indian Christians Association, *(ii)* All India Anglo-Indian Association, Punjab Branch and *(iii)* Catholic Association. So far as the Punjab Indian Christians Association is concerned I have submitted that that association decided to be a non-political body and their interests will be looked after by the Pakistan Christian League. In regard to the Anglo-Indian Association I might inform you that there is not a single signatory on the memorandum submitted by the Joint Christians Board and the third, the Catholic Association, is not represented.

One more thing I wish to lay before this honourable Commission is that the name of Mr. B. L. Rallia Ram has been added on the first page of the memorandum. That is most unfair because of two reasons. In the first place Mr. Rallia Ram is out of India and he has been out of India for the last four months. In the second place I say this with authority that Mr. Rallia Ram would not have subscribed to this memorandum because Mr. Rallia Ram is the President of the organization on whose behalf I have submitted this memorandum and therefore he subscribes to the view of the Punjab Nationalist Christian Association.

MR. JUSTICE DIN MUHAMMAD: Mr. Bannerji, how did you happen to obtain his signatures?

MR. BANNERJI: I have not obtained his signatures, he is out of India.

Now sir, just one or two more things about this memorandum. In paragraph 5 of this memorandum it is laid down that on the 21st June a round table conference of the Christians of the Punjab was called in which it was decided to give the Christian M.L.As. a mandate to vote in favour of Pakistan. Now that, I emphasise, is not correct at all. No such conference was ever convened on the 21st of June and no mandate to the Christian M.L.As could have been given. Now one more factor before I finish. In paragraph 12 of the memorandum a grievance has been brought out against the Indian National Congress that it has trampled upon the feelings of the Christians in the Punjab inasmuch as they have not taken any

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representative of the Punjab Christians on the Indian Constituent Assembly. Well, I wish to point out that Rajkumari Amrit Kaur, honoured citizen of India and an honoured member of the Christian community, is a member of the Indian Constituent Assembly. She is more Punjabi than Dewan Bahadur or myself because she has pure Kapurthala blood while we have some Bengali blood.

I wish to close my remarks and put this factor before this honourable Commission that we do not wish to alienate the sympathies of either of the two major communities in India and this is the factor which has been emphasised at a round table conference held in those fateful days of March at the house of Dewan Bahadur S.P. Singha, in which a resolution was passed. I will read out the relevant portion of the resolution[1].

ARGUMENTS OF THE SCHEDULED CASTES

RAI BAHADUR BADRI DASS: *(Representing the Scheduled Castes)*. Sir, I am afraid I cannot submit anything like an argument in the few minutes that I have got. I will make a few observations. The first thing is my credentials. The representation that I have submitted has been signed by five out of a total number of eight M.L.As from the East Punjab. They are:

(i) Sardar Prithvi Singh Azad.
(ii) Mr. Sant Ram.
(iii) Mr. Matto Ram.
(iv) Mr. Sunder Lal.
(v) Mr. Sunder Singh.

The rest of these people were not here at the moment. One of them, who is a member of the Constituent Assembly, sends a telegram from New Delhi along with another member of the Constituent Assembly, representing Eastern Punjab. They are Prof. Yashvant Rai and Mr. Prem Singh. The remaining two have sent letters direct to the Chairman with copies to me. They are Mr. Mehar Chand and Mr. Mangoo Ram.

As a matter of fact this representation would not have been

[1] *This extract from the resolution is not traceable in the records of the Commission; but see p. 227, infra.*

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necessary but for the memorandum submitted by a few interested persons, in which they showed their apprehension of persecution at the hands of non-Muslims. This excited a certain amount of feeling among these people which would be reflected from the communication that I have received. Not only these people who are returned as Scheduled Castes but also members of Depressed Classes—these include a very wide range, according to the *Census Report*, 17 castes are included in these—all of them have joined in protesting against that memorandum[1]. People in Zira tehsil of Ferozepore district have held meetings in 18 villages in which they number 100 or more and adopted resolutions. They have sent five signed copies of this resolution from each village. I submit these to the Commission.

Then take the case of Ferozepore tehsil; 198 villages have passed resolutions. They have sent a single copy each and here are those. Then I come to the Nakodar tehsil of the Jullundur district. They have sent 5 copies each. There are 35 villages. In Ferozepore they held the meetings even when they were 40 or 50 in number. But in Nakodar tehsil they have stuck to the rule of 100 or more. They are all signed in original. I have made a summary of all these for ready reference and here it is.

MR. JUSTICE DIN MUHAMMAD: In Zira tehsil I find that the number of Scheduled Castes is only 3,506 and the difference between the number of Muslims and the non-Muslims is more than several thousands.

R. B. BADRI DASS: In one manner, and that is that this representation is not confined to the Scheduled Castes. The Scheduled Castes are only 17 in number, such as Ad-Dharmis, Valmikis and so on. The summary would show that these people were returned in the census as Hindus. You find here, Valmiki Sabha, Depressed Classes League, Valmiki Sangh and so on. They were all returned as Hindus and the *Mazhabis* were returned as Sikhs.

MR. JUSTICE DIN MUHAMMAD: All these are included in the census either among Scheduled Castes or Hindus or Sikhs?

R. B. BADRI DASS: Yes. I am explaining the numbers. Figures for Dasuya have come late. I shall tabulate and send them to you. This contains the original signatures and you may see them. This fact would also have come to your notice that on that fateful day

[1] *The allusion seems to be to the representation made by the Pakistan Scheduled Castes Federation; see Vol. I, p. 420.*

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of 23rd June 1947 all the Scheduled Caste members, nine out of ten—one being absent—belonging to both the parts voted on one side. One thing more. Ever since the passing of the Government of India Act of 1935, all these Scheduled Castes and Hindus have really joint constituencies. Hindus vote for Scheduled Caste people and vice versa and though there are only eight seats reserved for the Scheduled Castes we find that ten of them have been returned actually. They have got the two extra seats from the quota of the Hindus and this is the treatment or persecution they are getting from the Hindus. The rest of the figures are given there.

Another remarkable factor is this. As the percentage of the Hindu population decreases as we go from the east towards north and west, in the same proportion the population of these Depressed Classes also decreases. In the Ambala division, the Depressed Classes number 6,50,404; in the Jullundur division they number 5,82,269; in the Lahore division they number 1,96,505; Multan division 1,41,801; Rawalpindi division 21,341. If to the Amritsar district you add Ambala and Jullundur division figures, you get a total of 12,55,377 in the notionally divided Eastern districts, out of a total of 15,92,320, making 78 per cent of the total population of the province. In the memorandum I have submitted[1], I also say that in the social customs, the way of living, their ceremonies, births, marriages and deaths, *Chamars* are like Caste Hindus. I have a book here, *Religious Life of India—Chamars;* edited by Mr. Farquhar, a missionary. At page 23 it says :

> Although the *Jatiya* of the Punjab works in camel and horse hides, which is an abomination to the *Chander*, he employs *Gaur* Brahmins, and is for this reason, in that part of India, considered the highest sub-caste of *Chamars*.

Their ceremonies are performed by *Gaur* Brahmins. Of course, a Brahmin would not refuse alms from anyone. He would not be a Brahmin if he were to do so. At page 64 he says :

> On the first day after a birth, a Brahmin is consulted. He inquires in what direction the mother lay; how many women were present; and asks other similar questions, concerning the birth of the child. He then casts a horoscope, gives the name,

[1] *Vol. I, p. 424.*

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and fixes a day for the purifying bath.

Strict seclusion is practised for an indefinite period during which none but the midwife and an old woman of the family are allowed in the lying-in room. During the fourteen days of her impurity the mother is attended by these women only.

MR. JUSTICE TEJA SINGH: Untouchables practise untouchability among themselves.

R. B. BADRI DASS: It is so among all Hindus. Then another ceremony is described at page 67. But I shall send all these references in writing. One fact before I am called upon to resume my seat that I want to mention is that Dr. Ambedkar has absolutely cast his lot with the rest of the people in the Constituent Assembly.

MR. JUSTICE TEJA SINGH: As against Mr. Mandal.

R. B. BADRI DASS: Yes. In the case of general electorates and so on. Then, sir, their *gots* according to the *Glossary of Tribes* also coincide with the *gots* of the other caste Hindus.

MR. JUSTICE TEJA SINGH: They are Hindus and must naturally resemble them in all things.

ARGUMENTS OF THE *MAZHABI* AND RAMDASIA SIKHS

SARDAR DARBARA SINGH: *(Representing the Mazhabi and Ramdasia Sikhs).* A separate memorandum has been submitted on behalf of the *Mazhabi* and Ramdasia Sikhs in the Punjab[1]. The memorandum has been signed by ten out of twelve members who represent the *Mazhabi* and Ramdasia Sikhs on the Shiromani Gurdwara Parbandhak Committee constituted under the Sikh Gurdwaras Act.

MR. JUSTICE DIN MUHAMMAD: They are not enumerated separately in the *Census Report?*

SARDAR DARBARA SINGH: They are separately enumerated.

MR. JUSTICE DIN MUHAMMAD: Is it not a fact that they are included in 37 lakhs[2] of Sikhs?

SARDAR DARBARA SINGH: Yes. But they are separately men-

[1] *S.No. 13 in the list appearing as Enclosure to No. 243, Vol. I, p. 475.*

[2] *Out 'of the 37,56,638 Sikhs in the Punjab (British Territory)', 3,38,729 returned themselves as Mazhabi Sikhs according to 1941 Census. (Census of India, 1941, Vol. VI: Punjab-Tables (Delhi, 1941), p. 41.*

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tioned in the *Census Report*. Their number is about 3 lakhs in the whole of the British Punjab[1]. This figure is given at page 41 of the *Census Report* of the Punjab for 1941. Of the 37 lakh Sikhs, 3,38,729 returned themselves as *Mazhabi* Sikhs. There is no representative of the *Mazhabi* Sikhs or Ramdasia Sikhs in the Provincial Legislative Assembly and the only representative character which I can show is that of the representatives of these on the Shiromani Gurdwara Parbandhak Committee constituted under the Sikh Gurdwaras Act which gives every *Mazhabi* adult the right to vote and these 12 members are their representatives from the British Punjab. They are elected after every five years under the present amendment. Now ten of them have signed the memorandum and two of them could not reach in time to sign the memorandum but they have subsequently intimated to the Shiromani Gurdwara Parbandhak Committee their agreement. My submission is that these *Mazhabi* and Ramdasia Sikhs form an integral part of the Sikh community and they have everything in common with the Sikhs in religion, social customs and linguistic matters. They are mostly residing in Ambala, Hoshiarpur, Ferozepore, Amritsar, Lahore, Lyallpur, Sheikhupura and Montgomery districts. They have lands in colonies which have been given to them for military services. They have a number of villages in Sheikhupura district, almost a colony. It is their desire—and I express it before your Lordships on behalf of the *Mazhabi* and Ramdasia Sikhs—that they whole-heartedly support the demands in the Sikh Memorandum[2]. They also have a share in the making of these colonies and it is their desire that they should, as far as possible, be included in the Eastern Punjab and as many of their numbers as possible should be taken into the Eastern Punjab.

ARGUMENTS OF THE BIKANER STATE

MR. R. C. SONI: */Representing the Bikaner State*[3] */*. In order to understand the point of view of the Bikaner State, I will draw attention of your Lordships to this map. Three canals take off

[1] *Ibid.*
[2] *Vol. I, p. 347.*
[3] *Sic; parenthesis added.*

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from the Ferozepore Canal. The headworks is about thirty miles down the confluence of Beas and Sutlej. The name of this headworks is Ferozepore Headworks. Three canals take off from this place. One is the Dipalpur Canal irrigating the Lahore and Montgomery parts, the second is Eastern Canal which irrigates 99 per cent of Ferozepore district and a very small area of Bahawalpur State. The third is called Bikaner Canal which runs through 74 miles of territory not belonging to Bikaner. It runs mainly in Ferozepore district and a mile or two in Faridkot State, */otherwise the whole of Ferozepore district/*[1] and enters Bikaner State boundary and is wholly for the Bikaner State. 44 miles of it are owned by the Bikaner State. It is paid for and owned by the Bikaner State. The cost of the canal was 158.2 lakhs and the share of the Ferozepore Headworks which Bikaner State paid is 52.4 lakhs, the total being 210.6 lakhs which the Bikaner State paid for this irrigation. The Bahawalpur State paid not a penny either for the canals or is paying or has ever paid for the maintenance of the Ferozepore Headworks. I have prepared for the use of the members of the Commission an explanatory note to the memorandum[2] in which the figures are given. Before the canals began, the Bahawalpur State would not let Bikaner State have water from the Sutlej. The British Government decided that it must decide as to the best use which could be made of the water irrespective of the fact where the lands lay and it found that Bikaner territory had very good land which could be irrigated from the Ferozepore Headworks while the Bahawalpur State lands were very poor in quality. That is made up in the memorandum of the I.G[3]. Irrigation. I have got the original copy with me which I hand over. It is paragraph 27 of the I.G.'s report. This report was given after the agreement was signed in September 1920. This report is of November 1920. Paragraph 27 summarises the agreement and tells us that it should be for the greatest good of the greatest number and this decision is to be made.

I will now read the 'Explanatory Note' to the memorandum[2] submitted by me for the Bikaner State :

1. In accordance with the 1920 Tripartite Agreement, the Bikaner State Government contributed a sum of Rs. 2.11

[1] *Sic : parenthesis added.*
[2] *Vol. I, p. 417.*
[3] *Inspector-General.*

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crores towards the proportionate share of the cost of the Ferozepore Headworks and the entire cost of the canal up to the State border, as detailed below :

Cost of canal in British territory	Rs.	1,58,19,815
Share cost of Ferozepore Headworks	Rs.	52,39,831
Total	Rs.	2,10,59,646

It may be noted that the Bahawalpur State has not paid anything towards the cost of the Ferozepore Headworks.

2. The Bahawalpur State has claimed an interest in Ferozepore Headworks on account of 65,000 acres of its territory receiving irrigation from the Eastern Canal. In this connection reference is invited to the *Sutlej Valley Project, Revised Estimate*, 1926, Volume I, page 20. The relevant extract is reproduced below :

> It (Eastern Canal) will also provide water to an area of 92,700 acres in the Bahawalpur State not commanded from the Sulemanki Weir for which no channel was provided in the 1920 Project, though it was taken into account in calculating water shares. It has now been decided and agreed upon by Bahawalpur State that the required supply of water for this area will be delivered through the Southern Branch of Eastern Canal at the State boundary for the non-perennial irrigation of the above tract. The Bahawalpur State, therefore, though receiving water for some of their area from Ferozepur Weir will not be a partner in the headworks and will pay no portion of the cost of the headworks.
>
> Capital expenditure on the Canal was increased by providing additional main canal and branch capacity necessitated by the inclusion of the Bahawalpur State area. The State contributes nothing towards this additional cost (page 59 of the *Sutlej Valley Project Completion Report).*

3. Out of the three canals taking off at Ferozepore Headworks, two, namely, the Dipalpur Canal and the Eastern Canal are non-perennial and are in flow only during about five months. On the other hand, Bikaner Canal is a perennial one and flows continuously all the 12 months of the year. The gross areas on each of the 3 canals are :

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	Acres	
Bikaner Perennial	9,10,300	According
Dipalpur Non-Perennial	10,44,300	to 1933-34
Eastern Canal N.P[1]. British	3,95,000	statistics
Eastern Canal N.P[1]. Bahawalpur	70,000	

The mere fact that a very small area of Bahawalpur is commanded by Eastern Canal does not give the State any right to make any suggestions regarding the fixing of the Provincial Boundary with reference to the Ferozepore Headworks.

4. Actual irrigation by the above 3 canals in various districts in 1945-46 was :

		Acres
(1)	Dipalpur Canal, Non-perennial—	
	Lahore district	1,59,106
	Montgomery district	5,34,001
	Total	6,93,107
	Bahawalpur area on Eastern Canal (based on 1933-34 figures, as later figures are not available)	17,000
	Total Western Punjab	7,10,107
(2)	Eastern Canal, Non-perennial—	
	Ferozepore district	1,89,639
	Montgomery district	
	Faridkot State	211
	Total	1,89,850
(3)	Bikaner Canal, Perennial—	
	Bikaner State	5,78,890
	Total Eastern Punjab	7,68,740
	Grand Total Ferozepore Canals	14,78,847
	Thus, percentage of area irrigated lying in Western Punjab according to notional division	48%
	Percentage of area irrigated in the Eastern Punjab including Bikaner State	52%

5. Taking an average of the last 10 years of the mean annual supplies drawn by the 3 canals for the years 1936-37 to 1945-46 were :

Dipalpur Canal		2,080 Cusecs
Eastern Canal (British)	853	2,383 Cusecs
Bikaner Canal	1,530	
Percentage of supply drawn in the Western Punjab		46.6%
Percentage of supply drawn in the Eastern Punjab		53.4%

. *Non-perennial.*

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6. It will be seen that both from the point of view of supplies drawn and the area irrigated, the eastern part of the Punjab, according to notional division, has got greater interest in the Ferozepore Headworks than the Western Punjab.

The importance of the safety of the Ferozepore Headworks for the various canals taking off from it may be examined from another aspect.

On the Dipalpur Canal water for irrigation is available only for Kharif season. During winter months the colonists have to depend on wells. According to the 1942-43 statistics of irrigation, out of the total of 5,75,435 acres, as much as 1,67,364 was *Chahi*. The water table is within 30 to 40 feet of the ground level and well irrigation is feasible.

Similarly, on the Eastern Canal, which is also non-perennial like Dipalpur, the cultivators during the winter months have to depend on the wells. The water table in this region also is between 30 to 40 feet of the ground level. According to 1942-43 statistics, out of the total of 1,75,454 acres irrigated by the canal, 36,267 is recorded as *Chahi* area.

If any unfortunate failure at Ferozepore Headworks takes place, the colonists on both the Dipalpur and the Eastern Canals, will, to a certain extent, be able to meet their bare necessities for fodder and drinking supplies for their cattle and themselves from the wells.

On the Bikaner Canal Colony, however, the case is very different. The water table is at a depth of 150 feet and the water is brackish and unfit for drinking and cultivation. The result is that the colonists depend on the canal supply even for drinking purposes. The canal runs continuously throughout the year and except for short closures necessitated for maintenance of the canal and the headworks, the colony cannot stand any prolonged closure of the canal. The area irrigated by wells in the whole colony is not more than 285 acres.

Thus the very existence of the Bikaner Canal Colony is closely tied up with the safety of the Ferozepore Headworks and its main canal.

7. Apart from the canal colony, the Bikaner State itself depends for its economic requirements on the foodgrains produced by the canal.

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The total area of the Bikaner State according to Survey of India is 15.49 million acres; out of this 11.13 million acres is not assessed, being desert. Out of the remaining area, 4.35 million acres, the area irrigated is 0.60 million acres. The area irrigated by wells is only 285 acres. The water depth in the Bikaner State is 150 to 300 feet and any irrigation from wells is at present almost out of question. Moreover, the sub-soil water is in most places brackish and unfit for cultivation.
Ghaggar Canal irrigates only 18,000 acres.
Thus the main area irrigated is from only one canal which takes off the Ferozepore Headworks, and if the Ferozepore Headworks or the Bikaner Canal is not properly maintained, the very economic life of the Bikaner State will be in danger.

8. It may be pointed out that the case with Bahawalpur is very different indeed. Out of a total assessed area of 4.53 million acres, which is about the same as that of the Bikaner State, the annual area irrigated in 1945-46 was 2.72 million acres. This is 4¼ times the area irrigated in the Bikaner State. And this area in the Bahawalpur State is dependent not on one canal but on not less than 6 canals. The gross area commanded by the Eastern Canal is only 65,000 acres which is a very small fraction of the area irrigated by the Sutlej Valley Project Canals in the Bahawalpur State.
I may submit that these figures are taken from the irrigation statistics and they are based on the personal knowledge of Rai Bahadur Kanwar Sen, who is present here.
Thus the Bahawalpur State cannot claim to have any interest in the Ferozepore Headworks. Nor does the Bahawalpur State pay anything towards the maintenance of the Ferozepore Headworks.

9. Having regard to the facts above, it is submitted, that the boundary between the eastern and western parts of the Punjab should be so demarcated that the Ferozepore Headworks and the Bikaner Canal are left entirely in the eastern part of the Punjab[1].

Now I draw your attention to the memorandum[2] submitted to

[1] *In reproducing the 'Explanatory Note', we have adhered to the punctuation of the original.*
[2] *Vol. I, Enclosure II to No. 236, p. 417.*

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the Commission. Beginning with paragraph 2, it says :

2. After a prolonged controversy, a tripartite agreement was signed on the 4th September, 1920, between the British Government (represented by Punjab Government) and the States of Bahawalpur and Bikaner, regarding the irrigation of the tracts commanded and economically irrigable from the Ghara Reach of the Sutlej river and from the Panjnad Reach of the Chenab river.

3. Prior to the signing of the agreement, the Bahawalpur State had consistently and vigorously urged the exclusion of Bikaner from the project on the ground that, as a riparian State, they had a claim to all the waters of the river not required by the British Government for the Punjab.

4. This claim of the Bahawalpur State was not admitted by the British Government; they contended that "as Paramount Power, the responsibility for the disposal of the Sutlej water to the greatest good of the greatest number lay with them and insisted upon the inclusion of the Bikaner tract".

5. The Project, as finally accepted by all the parties concerned, was based upon the principle "that the waters of the Sutlej should be distributed in the best interest of the public at large, irrespective of Provincial and State boundaries."

6. In accordance with the terms of the agreement, the Bikaner State paid its share of the cost of constructing the headworks and connected works at Ferozepore, from where the Bikaner Canal takes off.

7. In accordance with the same agreement, the Bikaner State defrayed the entire expenditure on the Bikaner Canal, including the cost of the land required for seventyfour miles length of the canal lying in the British territory and Faridkot State.

8. According to clause 17 of the agreement, "the British Government has had full and exclusive control of the

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distribution of the supplies at the canal heads."

The distribution is done by an Executive Engineer posted by the Punjab Government at Ferozepore Headworks.

9. According to clause 21 of the agreement, the maintenance and management of the Ferozepore Headworks with their connected works and of the Bikaner main line down to the State border has been entirely in the hands of the Punjab Government.

10. Now that the province of the Punjab is to be divided, the two parts being put into two different Sovereign States, apprehension has been created in the minds of the Bikaner Darbar in regard to the proper management and control of the Ferozepore Headworks and of the part of the Bikaner Canal situated in the Punjab. There has been, in the past, a considerable amount of friction between the States of Bahawalpur and Bikaner in respect of the claim of Bikaner to waters from the Sutlej for the irrigation of parts of the State. It is anticipated that the Bahawalpur State will have close relations with the Pakistan Government. In view of these facts, it is essential to the interests of the Bikaner State that the Ferozepore Headworks and parts of the Bikaner Canal, which are situated in the Ferozepore district, towards the cost of which the Bikaner State has contributed, should form part of the territory of Eastern Punjab.

11. The Bikaner State has joined the Constituent Assembly of India and will be a member of the Union of India. If the Ferozepore Headworks and the Bikaner Canal remain a part of Eastern Punjab, which will also be a member of the same Union, the Bikaner State will be assured of the proper management and control of the headworks and the canal.

12. The continuance of the efficient control and management of the Ferozepore Headworks and the Bikaner Canal is vital to the Bikaner State, as the State has got no alternative sources of supply. The waters of the canal are used not only for purposes of agriculture but for drinking

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purposes as well. The food supplies of the State are largely dependent on the area irrigated by the canal. The canal serves not only Bikaner but other large areas of Rajputana, which are also dependent for their foodgrains partly on the water supplied by the canal. It would not be an exaggeration to say that the entire economic position and prosperity of the Bikaner State and its people depend on the waters of the canal and it is imperative that this source of watersupply should be adequately safeguarded.

13. The Bikaner Canal Colony is predominantly inhabited by Sikh cultivators from the Central Punjab. If the regulation and maintenance of this canal is left in the hands of the Western Punjab, it may suffer as the result of reprisals against the slightest trouble that may arise between the Sikhs and the Government of the Western Punjab, without the Bikaner State being in any way involved.

14. Having regard to the facts mentioned above, it is submitted, that the boundary between eastern and western parts of the Punjab should be so demarcated as to safeguard the vital interests of the Bikaner State in the Ferozepore Headworks and the Bikaner Canal and that nothing should be done to affect the rights of the Bikaner State under the Sutlej Valley agreement of 1920, referred to in paragraph 2 above[1].

ARGUMENTS OF THE INDIAN NATIONAL CONGRESS—*Supplementary*

Mr. M. C. SETALVAD: You will remember, I mentioned that there were certain discrepancies in regard to the population figures in the census register about the Shakargarh tehsil. Even taking the figures by themselves, they are not correctly totalled up in the printed registers. The population as given in the printed register of Muslims is 1,49,600, but on computation you will find that it is 1,46,859; thus there is an addition of 2,741. As regards the non-Muslims the figure is 1,41,905 and in fact they are more; they are

[1] *Vol. I, pp. 417-19; in reproducing the extract from the memorandum, the original text has been strictly followed.*

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1,45,232, a difference of 3,327. Taking all these figures, the position is this. The majority of Muslims as shown in the register is 7,695 but in actual fact it is reduced to 1,627[1], the difference being 6,068.

We have annexed to this statement actual figures village-wise as given in the *Census Report*. These can be checked up either by the office or by the other side. The statement is certified on the top by the man who has made the computations. On page 23 of the typed compilation you will find three glaring inaccuracies of census figures.

(i) In village Kot Doaba, item 418, you will find that there are 152 Hindu females, not a single male.

(ii) In village Kotli Tirkhan, item 485, the figures given are 73 Hindu females, not a single Hindu male and 48 Sikh males, no Sikh female.

(iii) In village Mirpur Gagian, item 687, the number of Hindu females is 28 but no Hindu male and then there are 121 Sikh males but no Sikh female.

These are very unusual figures and are referred to show that these enumerations are of no reliance.

Now as I have shown, the Trans-Ravi area, which comprises some villages of Pathankot and Gurdaspur tehsils, shows a non-Muslim majority of 3,477[2].

SIR MUHAMMAD ZAFRULLAH KHAN: Are there any villages of Batala tehsil included in this area?

MR. M. C. SETALVAD: No. Proceeding further from that point, you will remember, sir, that when I dealt with the area under irrigation by the Upper Bari Doab, I showed you a map. Now I present to you a comprehensive map[3] giving all the information at a glance. In this map we have on the right, Kangra district, then we come to the Pathankot tehsil. You will observe that excepting the areas which are not coloured red, the rest are all non-Muslim majority areas of the Gurdaspur district. The Muslim majority areas and the non-Muslim majority areas are shown separately in the map. Take the Amritsar district, excepting parts of Ajnala we

[1] *See pp. 61-62, supra, footnote 3; the correct figure is 4,999.*
[2] *The correct figure is 126; cf. footnote 3, p. 172, supra.*
[3] *Not available in the Commission's records.*

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have the whole as a non-Muslim area. Then we come to Lahore and the portion which I have shown there corresponds roughly with the irrigated area of the Upper Bari Doab. Then Montgomery. We have a broad belt to begin with which thins and again broadens out in two directions. It extends a little beyond the district into the next tehsil on the left. I have a short note[1] here which explains all these tracts and I will hand over copies to you.

MR. JUSTICE MUHAMMAD MUNIR: What is the unit you have adopted in your maps? For instance, take the district of Gurdaspur. You say all the red portion is a non-Muslim majority area. What is the unit you have adopted? Have you taken the figures collectively for the whole district or for a tehsil or a *zail* or a revenue circle?

MR. SETALVAD: What we have done is this. We have taken the areas which are predominantly non-Muslim on the basis of figures of population and marked them red and the predominantly Muslim areas are shown as white.

MR. JUSTICE MUHAMMAD MUNIR: What is your unit for calculation? What are the white spots? Do they represent villages?

MR. SETALVAD: They are areas, urban as well as rural, where the population is Muslim and the red portions similarly represent predominantly non-Muslim areas. For instance, Ajnala is a rural area and is shown as a predominantly Muslim area.

MR. JUSTICE MUHAMMAD MUNIR: On what basis? Or what justification have you to separate this portion from the rest? What basis have you adopted?

MR. SETALVAD: Anything from a district to a village.

MR. JUSTICE MUHAMMAD MUNIR: You adopt the district as your basis when it suits you and the village when that suits you.

MR. SETALVAD: It is not a question of what suits me. The method of calculation is the same throughout whether you take the village as a unit or a district as a unit. The predominantly non-Muslim areas are shown separately and the predominantly Muslim areas are shown separately, according to the population figures. Supposing, for instance, 75 per cent of the non-Muslims preponderate in a village, then that portion is shown in red.

MR. JUSTICE MUHAMMAD MUNIR: In the district of Gurdaspur every village is shown red, that is, as non-Muslim in the map?

[1] *Appendix II, infra.*

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MR. SETALVAD: No. Supposing there are ten villages in a tehsil, and that 60 or 70% of them are non-Muslim majority areas on the basis of the population, then those are shown in red.

MR. JUSTICE MUHAMMAD MUNIR: Therefore your unit is a tehsil? What is the standard by which you have prepared this map?

MR. SETALVAD: An area, it may be tehsil or a village.

MR. JUSTICE MUHAMMAD MUNIR: You show the whole of Batala as red excepting three portions. What are these portions?

MR. SETALVAD: I will explain this to you by reference to the map. I understand Fatehgarh Churian with the surrounding area...

MR. JUSTICE MUHAMMAD MUNIR: Is it a town?

MR. SETALVAD: It is an urban area. Fatehgarh Churian is a big urban area—

MR. JUSTICE MUHAMMAD MUNIR: Which is not a full *zail*, a revenue circle or a defined portion of tehsil?

MR. SETALVAD: No. But it is an area which is preponderatingly Muslim. If that description suits, we shall call it a block of Muslim villages, a preponderatingly Muslim area. Then we go on to the second point, that is, Batala town with a number of villages surrounding it. This is the second spot. Then there is the urban area of Qadian with three villages nearby.

MR. JUSTICE MUHAMMAD MUNIR: Then I take it that you have excluded these two important towns together with a certain area surrounding these towns, taken their figures separately and taken figures of the rest separately. Is that correct?

MR. SETALVAD: That is correct.

MR. JUSTICE MUHAMMAD MUNIR: Similarly in the case of Gurdaspur, tehsil Batala. The remaining portion of this tehsil you have added together.

MR. SETALVAD: Excepting the three portions I have mentioned.

MR. JUSTICE MUHAMMAD MUNIR: These three portions, because it suits you?

MR. SETALVAD: Not because it suits me but because they are predominantly Muslim areas.

MR. JUSTICE MUHAMMAD MUNIR: Without adopting a uniform standard?

MR. SETALVAD: Certainly not. A Muslim area may be large or small.

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MR. JUSTICE MUHAMMAD MUNIR: I take it that the rest of the portion of Batala tehsil contains a majority of non-Muslims. Figures have not been included for the whole remaining tract?
MR. SETALVAD: For the whole remaining tract.
MR. JUSTICE DIN MUHAMMAD: Is it made up of Muslim plus non-Muslim villages?
MR. SETALVAD: Had that question been asked of me, I would have answered it straightaway. No part of this area consists exclusively of non-Muslim villages. Every part has some Muslim villages. If you go over the whole area, you will find some Muslim villages. The question is whether you take a district or a tehsil or a smaller portion what is the preponderating colour of these villages, if I may use that expression. In some cases it is Muslim and in some it is non-Muslim.
MR. JUSTICE MUHAMMAD MUNIR: Figures for each tehsil have been taken separately?
MR. SETALVAD: As well as district-wise.
MR. JUSTICE MUHAMMAD MUNIR: Leave aside that. Then you have proceeded to other tehsils. Calculation is exactly on the same basis?
MR. SETALVAD: Yes, on the same basis.
MR. JUSTICE MUHAMMAD MUNIR: There are two Muslim majority areas in this. Supposing you put two villages together containing a large population of Muslims. These have not been taken into account. Here these have not been shown as white.
MR. SETALVAD: There are a number of Muslim villages which are not shown white because the preponderating colour of the population is non-Muslim. That is why they are not shown white.
MR. JUSTICE MUHAMMAD MUNIR: I follow. Take these minute tiny white spots of Batala. What do you say these are?
MR. SETALVAD: The third one is the town of Qadian.
MR. JUSTICE MUHAMMAD MUNIR: What is its population?
MR. SETALVAD: I will give you these figures presently.
MR. JUSTICE MUHAMMAD MUNIR: Do I take it that there is no Muslim majority area in the whole of this tehsil besides Qadian?
MR. SETALVAD: No. So far as I can see from the map, that is so. We have picked out large Muslim areas and we do not find any other areas of this size. Therefore we do not show them separately on the map.

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MR. JUSTICE MUHAMMAD MUNIR: No uniform method has been adopted. That is what I wanted to be clear about.
SIR MUHAMMAD ZAFRULLAH KHAN: Leaving out this white area towards the north of Batala, you see it is predominantly rural. If you include two white spots left out in the middle in the right portion, what would be the result; Muslim or non-Muslim?
MR. SETALVAD: I could not tell you off-hand. I will work it out but it may as well be non-Muslim.
SIR MUHAMMAD ZAFRULLAH KHAN: If it became Muslim, then the whole of it becomes white.
MR. SETALVAD: I do not think it would be so.
SIR MUHAMMAD ZAFRULLAH KHAN: Supposing it were so?
MR. SETALVAD: I make no admission.

I was referring to the explanatory note in regard to this which I have handed up and that note explains the plan in regard to both these areas. I have handed four copies of the document headed 'Note explaining the plan'[1]. If you turn to the 2nd page of the note that I have now handed to you, you will find (B) which deals with this area in the Gurdaspur district. That is how it is put there. In the Gurdaspur district area south-east of the river Ravi the non-Muslims are in majority of 32,000 in the tract around Fatehgarh Churian but in the Amritsar district the non-Muslims in the area excluding parts of Ajnala tehsil bordering the river Ravi outside Upper Bari Doab Canal have a majority of 1,39,178.

. . .[2]

MR. SETALVAD: I am told it is sub-tehsil of Mailsi. It used to be a sub-tehsil[3], but it has now been created into a tehsil. Whether you go from the right to the left, either district-wise or tehsil-wise, you will find that each of these red sections are non-Muslim majority areas. As you will notice, there are several tehsils. The earlier part of the 'Note'[1] contains a similar explanation in regard to the upper area. When I was dealing with the area in the opening, I said that I would include the sectional figures and those are there also. I need not spend time in reading that part of the 'Note'[1] because I have already dealt with it roughly. That note starts

[1] *Appendix II, infra.*
[2] *(Here a part of the arguments appears to have been omitted from the recorded proceedings.)*
[3] *Perhaps the reference is to Vehari; see the last paragraph of Appendix II.*

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with Lyallpur at the one end and goes on to Shakargarh at the other, giving the population in each section. At the end is given at page 2 the total area of the whole tract and the total population of the whole tract. That is the position with regard to the map which I have handed over.

MR. JUSTICE MUHAMMAD MUNIR: Will you give us a copy of the actual calculations made on the basis of which this map has been drawn up? That would be more useful. Somebody must have made the calculations.

MR. SETALVAD: You will realise the difficulty of tabulating. We have got the figures. We will try to give those figures.

Well, that is the position with regard to the explanation of the maps. You will see from the map which I have handed over that a large bit of boundary line which I claim for the Eastern Punjab borders the area in white colour and the question would be why this boundary is claimed. The answer which I gave you in part is on the basis of colony lands and Crown lands for the development of the Eastern part. I have given certain figures which I understand are also available from an official note which you have received. I have not seen the note but I am told that these are the figures mentioned therein. Thirty-four crores of rupees have been realised by the sale of these Crown lands in thirty-four years. That shows the value of the assets. There has also been, I understand, a capital valuation of these assets. The value of these canal assets is roughly 84 crores. I understand these figures are the official figures. Out of these 84 crores, 17 crores go to the Eastern part, the difference being 66 crores roughly. This, of course, is apart from the Crown waste areas, the average valuation of which is Rs. 700 per acre.

MR. JUSTICE DIN MUHAMMAD: Not in the district of Dera Ghazi Khan?

MR. SETALVAD: You know that better than I do.

MR. JUSTICE TEJA SINGH: Who has calculated these figures?

MR. SETALVAD: I understand these are the calculations based on what you yourself have got in the official note.

MR. JUSTICE DIN MUHAMMAD: The note received from the Chief Engineer, Irrigation Department?

MR. SETALVAD: Yes. That is the position so far as the value of these assets is concerned. So I submit that this part of Montgomery district is really a valuable colony which should be made

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available to the eastern part for its development. I have already given you the figures of Crown land acreage. In addition to that you will remember that Montgomery contains large unallotted Crown lands, and as I have mentioned, a large number of these lands have been actually allotted to persons as a reward for war services, but some lands are still to be allotted to persons for services rendered in the present war and this obligation is to be carried out by the government. That is the position in regard to the Montgomery area.

MR. JUSTICE TEJA SINGH: I understand that the assets of the province are being partitioned by the Partition Committee. Have these valuations been made available to them? I would like to know how they are going to decide the partition issue?

MR. SETALVAD: I cannot tell you that at the moment. But the figures which I have taken are contained in the note already supplied to you.

Finally, looking at the top of the map you will see that the area claimed by us runs along the boundary of the Lahore district and then on the west along the boundary of Lyallpur and Montgomery districts. What I wish to mention is that parts of the areas in Sialkot district, Gujranwala district and so on are claimed by us and this we claim, as I have already mentioned, on the broad ground of a strategic frontier. That is the whole position.

ARGUMENTS OF THE SIKHS—*Resumed*

SARDAR HARNAM SINGH: I wanted to give some information regarding Chunian tehsil, the area which connects Chunian with Nankana Sahib tract. I said yesterday that there are major parts of Lahore district which form one contiguous area which is a non-Muslim majority area. I gave some information about Kasur tehsil yesterday and that information was that if the town of Kasur and a part of Sadar Police Station plus Gandasingwala Police Station are excluded, then Kasur tehsil becomes a non-Muslim majority area and this is contiguous to Tarn Taran and Amritsar tehsils of the Amritsar district which is again an overwhelmingly non-Muslim majority area. Then we come to Lahore tehsil. I will indicate the boundary line of the Lahore tehsil in the official map.

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There is Lahore Branch of the Upper Bari Doab. The whole of the Lahore tehsil on the east of Wagah, including the cantonment area, is a non-Muslim majority area. As regards Lahore tehsil the position is this that everything to the east of the Lahore Branch of the Upper Bari Doab Canal is a non-Muslim majority area in population. Now what is the position with respect to Chunian tehsil? This area, which is contiguous to the Lahore tehsil, is again a non-Muslim majority area. Tables have been prepared for these tehsils village-wise showing the Muslim and non-Muslim population. I will produce them before the Commission. The whole area on the east of the Canal Railway Line in the sub-district of Chunian is a non-Muslim majority area and it goes right upto Balloki.

Thus taking the whole of the Lyallpur tract, the Sheikhupura tract, the three *zails* of Nankana Sahib sub-district and the non-Muslim area of Lahore district, we have a non-Muslim majority area where the excess of non-Muslims is near about 1,50,000. In this area, there are four historical gurdwaras sacred to the memory of the holy Gurus. Jambar Kalan in Chunian tehsil is sacred to the memory of the Fifth Guru. Then you come to Khairpur and Qila Dharam Singh *zails*—bottleneck which goes up to Nankana Sahib. In this area you have got two important gurdwaras, Gurdwara Chitti Yatri and Gurdwara Haft Madar. This was originally the route to Nankana Sahib and every time the holy Gurus went to Nankana Sahib, these gurdwaras were the halting places.

SIR MUHAMMAD ZAFRULLAH KHAN: Will you please give me the population figures in regard to Qila Dharam Singh?

SARDAR HARNAM SINGH: There are 10,028 Muslims and 3,568 non-Muslims while the acreage of Muslims is 10,989 and that of non-Muslims is 21,383.

Then I come to Natha *zail*. The total population of this *zail* is 16,273, in which the Muslims are 14,865. In Khairpur, there are 17,085 Muslims and 16,634 non-Muslims. So out of three *zails* one is balanced and one is predominantly Muslim, although in that area there are fewer economic interests of the Muslims as acreage in their case is much smaller than that of non-Muslims. And as I have already pointed out we have very important historical gurdwaras, namely, Haft Madar and Chitti Yatri in Qila Dharam Singh *zail*.

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SIR MUHAMMAD ZAFRULLAH KHAN : Please tell me if the population of the three *zails*, which you call the bottleneck, is added to the population of the block which you have indicated in black colour in the map, will it become a Muslim majority area or a non-Muslim majority area?

SARDAR HARNAM SINGH : It will be a non-Muslim majority area.

Now I come to Montgomery. The total Sikh population in Montgomery is 1,75,064 and out of this population 1,32,113 come in this portion which I have denoted by red colour in the map. Out of this military grantees number one lakh ten thousand and odd and the land they hold was given to them in recognition of their services in the last Great War and some have been granted during this war also.

I have to draw your attention to another important point in regard to the Bhakra Dam Project. Under agreement with the Bilaspur State, the Punjab Government have to provide twenty thousand acres in Montgomery district to that state. Seventy thousand acres in Montgomery are again reserved for the military grants. Now the Bhakra Dam Project is mainly for the benefit of Karnal, Rohtak, Hissar and some states. There will be complications if Montgomery district goes to the western part. How is Bilaspur going to get twenty thousand of acres for facilities given to the Punjab Government for the benefit of Hissar, Gurgaon and Rohtak?

MR. JUSTICE DIN MUHAMMAD : What is the source of your information about Bilaspur? My information is that land from Mianwali district is to be given to Bilaspur.

SARDAR HARNAM SINGH : I will give you this information later.

I have given some idea of the Lahore tehsil and I hold minutes of the proceedings of a meeting held on the 20th June, 1944 in the Irrigation Secretariat. A decision was taken according to which Lahore city has been taken out of the jurisdiction of the Upper Bari Doab Canal.

MR. JUSTICE TEJA SINGH : That is, the civil station will not be watered by it.

SARDAR HARNAM SINGH : If you examine the basis of the Upper Bari Doab, this area does include the rural areas of the

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whole of Lahore city; area to the east of Lahore Branch. The walled city of Lahore is, however, not watered by the Lahore Branch of the Upper Bari Doab Canal.

SIR MUHAMMAD ZAFRULLAH KHAN : The arrangement on our side is that such other interests as have requested me to give them time will have their say first before I take up the main case, and the first interest that desires to make a submission to you is the Indian Christian.

ARGUMENTS OF THE CHRISTIANS
(Joint Christian Board)

DEWAN BAHADUR S. P. SINGHA : Sir, our case is a very simple one. We would like that our feelings be taken into account as one of the 'other factors' in making your decision. Before I say anything I might dispose of Mr. Bannerji's contention and that is the reason why I am standing here otherwise our cousel Mr. C. L. Sunder Das was to argue the case. Mr. Bannerji has cast aspersions on the representative character of the Joint Christian Board on whose behalf this memorandum[1] has been presented and he has claimed some weight for his memorandum, which he has submitted on behalf of the Nationalist Christian Association[2]. Sir, my submission and categorical claim is that there is no such organization, called the Nationalist Christian Association. A mention of it was made about a year ago when some resolution was published in a paper. Immediately I was informed by Mr. B. L. Rallia Ram explaining that it was a wrong statement in the press. There was no meeting of any association but a few nationalist Christians had discussed things in his room and that they should be taken as the left wing of the Christian Association. Had it not been so, how could Mr. Rallia Ram remain the General Secretary of our association and how could Mr. Bannerji be appointed as the acting Secretary in the absence of Mr. Rallia Ram. Therefore I would challenge Mr. Bannerji to produce a minute book, a membership receipt book or any report. He comes here and does not even mention

[1] *S. No. 11 in the list appearing as enclosure to No. 243, Vol. I, p. 475.*
[2] *S. No. 32 ibid.*

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the name of the committee which he represents. His President, he says, is away overseas. Therefore what he has expressed is his personal opinion. He represents no association. I did not deny that there are no nationlist Christians, but their number is hopelessly microscopic. They have no voice in the community, they have never attempted to make a case in any of our conferences, they cannot speak on the platform where we are standing. Ours is a democratic organization which has now become a mass organization. Their's is not a registered body. The organization that I represent is a registered body. Mr. Bannerji was its acting Secretary till 21st June, 1947, and he returned this register of proceedings on the 28th June.

In this register you will find the names of Raja Raghbir Singh, Prof. Siraj-ud-Din, Mr. E. H. Bannerji, and his father who has been a member of the Executive Committee for many years, Mr. J. D. Amber, M.L.A., Mr. E. Mayadas, etc., etc. This book contains the names of almost all known Christians of any standing. Any Christian holding some position has been a member of this organization at some time or other. It may be that certain persons may now begin to feel shy of rubbing shoulders with their poor brethren but the status of this organization cannot be denied. It has been going on since 1894. Mr. Bannerji objected to the name of Mr. B.L. Rallia Ram being mentioned here. I say it would have been a lie not to mention his name here as he is a member of the board. I do not know how he would have voted. He would have either resigned from the organization or accepted the majority decision. You will notice, sir, that we have written 'out of India' against his name.

We have had many other people as great as Mr. Rallia Ram. Here is a list of other representatives on the Joint Board:

MR. JOSEPH SHERIFF, Zamindar and Member, District Board, Lyallpur.
CHAUDHRY C. L. SUNDER DAS, Advocate, Sheikhupura.
REV. NAWAB DIN of Gujranwala, Moderator, Presbyterian Church.
REV. B. JAMES, Missionary incharge, Daska tehsil, Member, District Board, Sialkot.
MR. FAZAL ELAHI, Member, Legislative Assembly.

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MR. HIRA LAL, President, Punjab Christian League.
MR. JOSEPH DINA NATH, Advocate, Sialkot.
MR. S. G. DATTA, Narowal, Veteran Social Worker, Party Leader, Punjab Christian League.
MAJOR H. A. FRANCIS, Bar-at-Law.
MR. S. W. AZRAIAH, Headmaster, Catholic School, Lahore.
MR. C. E. GIBBON, M.L.A.
MR. J. F. ROBSON of N.W.R[1].
MR. E. S. OSBORNE of N.W.R[1].
MR. C. M. PENHEAROW, retired, Punjab Revenue Department.

Mr. Bannerji stated that the signatures of the representatives of the Anglo-Indian Association of India, Punjab, were not there; that the membership of this board was of the Anglo-Indian Association of India. Originally it was so. Now they are the Anglo-Indian Association of Pakistan. Few are now members of both organizations. One is under liquidation. All the four members representing that community are here. There has been no change. Moreover, this memorandum was approved by a meeting of the Anglo-Indians held at my house at which sixteen leading Anglo-Indians were present. So, it cannot be said that this memorandum has been submitted by an irresponsible set of persons. I will now read out some of the names of the Executive Committee of the Association :

– CHAUDHRY JOHN SUNDER SINGH	Zamindar, Khanewal, Member, District Board, Multan.	District President.
– MR. IBRAHIM KHAN, M.A.	Headmaster, Chak 135, Near Mian Channu, District Multan.	
– REV. QADIR BAKHSH	Zamindar and Pastor-in-charge; Member, District Board, Montgomery.	District President.
– LAMBARDAR HIDAYAT MASIH	Zamindar and Horse-breeder, Kassowal, District Montgomery.	
– LAMBARDAR JACOB	Khushpur, District Lyallpur.	
– MR. KHURSHID MASIH	Trader	President Gojra Branch.
– CH. FAZAL DIN, SARGODHA	(Ex-President, Punjab Peons' Association. This shows that our body is a democratic body; no distinction between person and person.)	District President.

[1] *i.e. North Western Railway.*

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– SARDAR BALWANT SINGH	Zamindar, General Secretary, District Gujranwala.	
– SUBEDAR S. DAVID	Member, District Board, Sheikhupura—Junior Vice President, Punjab I.C.A.	District President.
– REV. MEHTAB DIN	Sambrial, Superintending Missionary, Scotch Mission.	
– CH. ZAHOOR AKBAR	U.P. Mission, Sialkot.	
– MR. P.N. WADHAWAMAL	Manager, Clarkabad Estate; Member, District Board, Lahore.	District President.
– MRS. C. CUTTING	Retired, Education Service.	President Lahore Corporation Area.
– MISS C.K. MITRA	Retired, Headmistress, Government Industrial School, Lahore.	
– MR. ALFRED PARSHAD	Labour Leader; Editor, *Tanzim* Weekly.	
– MR. TUFAIL MASIH	Teacher, Amritsar.	
– MR. ARTHUR GHOSE	A.P. Mission.	President, Doab Branch.
– REV. GHULAM QADIR	Jullundur Cantonment.	President, Jullundur Branch.
– MR. D. M. SUNNOO	Contractor, Ferozepur.	President, Ferozepur.
– DR. SCOTT	Dhariwal Mills (Veteran Christian leader; he is one of the most respected veterans of our Community)	District President.
– MR. BASHIRUDDIN, B.A., B.T.	Headmaster; District Darbari; Dhariwal.	District General Secretary.
– MR. L. SOHAN LAL	Zamindar, Jagirdar and District Darbari, Gurdaspur.	

Then on behalf of the Punjab Christian League there are Mr. Joseph Dina Nath, Advocate, Sialkot and Rev. Yaqoob Khan and Rev. D. Sain Das, Rawalpindi, Moderator and Vice-President, respectively of the United Presbyterian Synod of North India, representing 1½ lakhs of laymen.

The arguments which Mr. Bannerji has put forward have no

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value since he represents nobody while ours is the most representative body. He has given two arguments. One is that the pioneers came from Bengal and from U.Ps. and Bombay and they intermarry there and want to keep up their relationship with the rest of India. But such people can be counted on the fingures. They are Mitras, Chatterjis, Bannerjis and Ghoses etc.,—about 6 or 8 families—and it may be that one per cent of them marry outside. The others are all married here. I am a representative person in this respect. My grandfather came from Bihar. My grandmother was a Bengali. My mother is a Punjabi. My wife is from U.Ps. and so on. Even if we are in Pakistan, even then we can intermarry if we want. There is nothing to prevent intermarrying. No wall is going to be built between the two countries. But he cannot put forward that as an argument on behalf of a just a handful of families. There are Bengalis living in the Punjab who cannot talk Bengali. Their habits, customs and everything is different from Bengalis. They have no homogeneity of interest.

Then he referred to Churches. I am very sorry he referred to Churches, because the Church authorities have specially asked us not to refer to them and I want the Commission to make a special note of it. I do not know what he wanted to build on that argument. He said that the Catholic Church had headquarters in Calcutta. But it is at Rome. The Pope rules all over the world from the religious point of view and they do not recognise any territorial jurisdiction. He has power all over the world and these divisions into Pakistan and Hindustan do not affect him. The same is the case with the Church of England which is now known as the Church of India, Burma and Ceylon. There are already two countries coupled with India and if we have another, Pakistan, it does not matter. None is affected.

Similar is the case with YMCA, and YWCA, which have branches all over the world. I am on many of these boards and I know the working of these institutions. They will have their branches in Pakistan also just as they have in other places. We are not getting any grants from All-India funds. America and other places afford us certain facilities and it makes no difference to those countries if India is divided into Pakistan or Hindustan.

As Mr. Bannerji said the total population in East Punjab on the notional basis is only 60,955 out of over 5 lakhs. It will then be

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seen that our people have been living with the Muslims for a long time and they have become Muslimised more or less in culture and outlook. They trust the Muslims more. They dress like them. No doubt there have been stabbings of Christians but this was probably due to a mistake as they were taken as Muslims. They are economically as poor as the Muslims. With Muslims they have a religious affinity. After all, the Prophets of Islam and of Christians are the same. If somebody talks discourteously about Christ, a Muslim will take up the cudgels and even take to violence more than a Christian himself. They believe in the sacred things we believe in. There is a great affinity between the two communities, especially in the villages. This question of *Chhoot Chhat*, i.e., untouchability is a great sore in their hearts and these people have suffered a lot from social prejudices of non-Muslims. I have been in the villages and I know. I am their representative and have to express their feelings. In non-Muslim villages we have no graveyards and are not allowed to draw water from the wells.

Some may say we have taken a political somersault. It is not so. The Punjab mentality is quite different from that of the rest of India. In Bombay we took statistics and I myself claimed that when Hindus and others think that they have served the Congress, we produced figures to show that poor Christians have also been to jail and suffered and given up their jobs proportionately as much as any other community in India. But in the Punjab, which man has gone to jail? You cannot find a single Congressman. Even if someone became a four-anna member and put on a *khaddar* cap, it was not for long. The Punjabi tradition is different. The Congress is aware of this. Only on this basis one can understand their deliberate omission of Punjab Christians from the Constituent Assembly. Whatever the reasons may be, the fact is that because they have been living with Muslims, a Christian in the village is of the same type as his Muslim neighbour. He prefers to be in Pakistan. All the three Christian M.L.As. voted on the 23rd of June for it. Here is Mr. Sunder Das, our counsel. He was my rival in the last elections and he would be the first to take advantage of it against me. But we have been consulting our community and consulted it in a fair manner. Meetings have been held; we have been expressing our opinions in the papers and have been pressing on the people to give us their views. I quote from the *Tanzim*, a

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paper of the Christian Association:

(Translation of the Urdu passage)

> Therefore, the fundamental consideration before us in giving our vote should be whether we think our future is brighter in Pakistan or whether we have better prospects in Hindustan. This is for the community to decide. We think that the decision should be made on the basis of our real feelings and not on the basis of expediency. If we really think that we are going to have a better deal from the Muslims, we should not be afraid of displeasing the other minorities by voting in favour of Pakistan. If on the other hand we think that we shall be better off in Hindustan, then we should not be afraid of displeasing the Muslims even though we are eventually forced to become Pakistanis and should be prepared to face the prejudice which we shall arouse against ourselves. The community must have a free choice. We appeal to all branches of the Association and the Christian League to hold meetings and inform Dewan Bahadur S. P. Singha of their views so that the Joint Christian Board and our representatives should come to a decision in the light of the opinions received.

Mr. JUSTICE DIN MUHAMMAD: Will you please hand over a translation of this passage to the reporters?

SIR MUHAMMAD ZAFRULLAH KHAN: If you permit me at this stage to make a request to the Commission and also to my honourable friends on the other side—it is Friday today and we would like, if it is possible, to offer our prayers during the interval. The normal interval is not sufficient for the purpose. My submission is that if you so please and the other side agrees, the Commission might today resume its sitting at 3 pm and carry on till 5 pm. But I do wish that if either the Commission or any member or my friends on the other side feel that having regard to their commitments it is inconvenient, I would submit that the sitting should be resumed at 3 pm and concluded at 4 pm and the hour that is thus lost out of the Commission's work should be debited to our time. We would rather say our prayers than use it here.

MR. JUSTICE DIN MUHAMMAD: The second alternative will be more agreeable to us.

MR. SETALVAD: So far as we are concerned, we will have no

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objection that the learned member should have full time.

SIR MUHAMMAD ZAFRULLAH KHAN: In that case I would appeal to the Commission, if it is not inconvenient, to sit till 5 pm.

MR. JUSTICE DIN MUHAMMAD: It is inconvenient and we want to adjourn at 4 pm. We cannot sit all the day and work all the day. Gentlemen, we meet again at 3 pm.

(The Commission then rose for lunch and re-assembled at 3.00 pm.)

DEWAN BAHADUR S. P. SINGHA: Mr. Bannerji in his arguments quoted from the proceedings of a meeting[1] which was held at my house by a group of Christians, but he quoted without the context. This meeting was in connection with the disturbances in the Punjab and the attitude that the Christians should take. This same group passed a resolution. I will read out to you a few lines from it, which Mr. Bannerji did not read out:

> We are following a policy of neutrality as we consider the present conflict in the Punjab to be on an emotional and religious plane. We bear ill-will to no community and are gratefully conscious of the goodwill being shown to us by all communities, but this does not mean that we are an unconcerned third party.

Further, while referring to the constitutional tangle that faced our province, the resolution was as follows:

> We are for an all-party Government as an interim arrangement to maintain an atmosphere which makes for amicable negotiations between communities regarding the future shape of things in the Punjab possible.

It was in this connection and it does not show our political inclination against Pakistan. Then he said that on the 21st there was no resolution or no direction given. Here is our minute book. It says:

> We ask our representatives in the Assembly to vote for a new Constituent Assembly believing in the wisdom of those who have come to the conclusion that a division of India is under the existing circumstances in the best interest of the country's

[1] *p. 198, supra.*

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progress. Moreover, the Punjab Christians can have no attraction for the existing Constituent Assembly in which they have been studiously ignored and denied a seat even in the most minor of its committees.

We cannot, however, help regretting the proposed division of the Punjab. The ties that bind us together are too intimate and real as compared with the sentimental unity with the other provinces of India. Apart from this, the partition will give too dominant a voice to one section of the family. But in this respect our Sikh brothers have a priority of choice.

We gave priority to them but considered that as far as we are concerned, it would be detrimental to our interests. My point is that the voting was on behalf of the community and it has been approved by the community. Further on, this is what is recorded in the minute book :

Even if Punjab has to be divided, we wish both parts would join the new Constituent Assembly. Eastern Punjab should retain the power to secede. The advantages of this realistic solution to all concerned are obvious. Apart from the fundamental unity of the Punjab which this will ensure the non-Muslim stiffening to Pakistan which this provides, will be all to the good. The possible risk disappears because of the power to secede. Eastern Punjab could rejoin Hindustan if Pakistan really proves to be a non-democratic state, which some fear it is going to be. We ourselves have no apprehensions.

Minute of dissent recorded by Mr. E. Bannerji

We have confidence in our members and we should leave them unfettered in their voting. It is not desirable that a statement be issued before the Boundary Commission has given its verdict.

I will now read from the supplementary memorandum[1] submitted by the Joint Christian Board to His Excellency the Viceroy along with a memorial :

We believe that of all the solutions so far put forward, the Grouping Scheme suggested by the Cabinet Delegation in the

[1] *Not traceable in the Commission's records.*

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Statement of May 16, 1946, is by far the best and the most realistic in its vision. We deem it a great pity that the Congress by its conditional acceptance has prevented the Muslim League from participating in the Constituent Assembly. The hostile attitude of the Hindus and Sikhs towards the predominant position of Muslims in Group B is, we believe, considerably responsible for Mr. Jinnah's insistence on his original demand for Pakistan. In the Punjab we have had friendly relations with the Muslims, but they have never misunderstood us in our preference for the Cabinet Mission's Scheme to their demand for Pakistan, as our preference has not been due to our mistrust of them.

But since the idea of partitioning the Punjab has been mooted by the Congress and hostility has been shown to the idea of co-operating with the Muslim League in forming a ministry in the Punjab, and Muslims continue to disfavour joint electorates, we have come to the conclusion that after all, Pakistan may be the best solution and the shortest cut to eventual unity. This view is strengthened by the fact that with the notable exception of Mahatma Gandhi, the top ranking Congress leaders have also revised their basic opposition to Pakistan.

As a community this will make no difference to us. We have no fear of Pakistan and no misgivings regarding the treatment which we may have at the hands of Muslims either in Group B or in Pakistan. As a community of have-nots we probably stand to gain. But our political importance is bound to diminish in a divided Punjab.

If a choice were given between Pakistan and the Cabinet Mission Proposal, it is quite clear that we would have voted for the Cabinet Mission Proposal. When choice was given between Hindustan or Pakistan, we voted for Pakistan.

I have given the reasons why our people, who are predominantly rural, have made that choice. One is the question of joint electorates. Nobody outside the community can understand the obsession that the community has on this point. Nobody in the community knows more than I do how I have been hunted from village to village on this question on the allegation that I was in

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favour of joint electorates, because the All-India Conference had suggested something which may be taken in that light. My photographs have been taken in villages with a Gandhi cap on. I was at a wedding party and Dr. Gopi Chand's cap was put on my head when a photograph was taken. That was meant to be the chief whip against me in the election propaganda that I was a pro-Congress man or a joint electorate man. This is the biggest point which counts with the common man. They want separate electorates. It is a question of life and death for them to have separate electorates. They know that in Hindustan they cannot have separate electorates. One of the reasons why they asked us to vote for Pakistan and the reason why they are happy in Pakistan, is that their community will be able to have a separate voice of their own. Whether their hope will materialize or not is a different question, but this is their belief.

I now refer to a pamphlet here, dated the 1st of June, 1945, issued against the Indian Christian Association. Its title is *Whither All-India Conference of Indian Christians.* It was published in thousands and distributed all over India as a revolt against the All-India Conference by Mr. S.G. Datta, one of our great leaders who has great influence over the masses. He was a Congress worker for many years and after that he has given his life to the service of the masses and he is now a whole-time leader of the masses.

MR. JUSTICE DIN MUHAMMAD: 'Whole-time leader' means a professional. *(Laughter)*

DEWAN BAHADUR S. P. SINGHA: Professional in the sense of whole-time, but he has received no salary. He is living on faith and goes from village to village and province to province and that is his ambition in life to make the masses politically conscious and today he has brought into being the Punjab Christian League and the basis of that League was that the Indian Christian Association was not staunchly in favour of separate electorates. We have now decided to unite under the name of the Pakistan Christian League. In the interval we are united through the Joint Christian Board. Mr. Bannerji said that the Indian Christian Association can have no authority to speak because it has ceased to be a political organization. That will be when we have formally joined the Pakistan Christian League. Today it has as great a right to speak on behalf of the community as it ever had. I will read some of the passages

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from this pamphlet issued by Mr. S. G. Datta:

> The appeal is not made with the view to cause disruption in the Christian community nor is it meant to attack or criticise any person but it is written entirely with the view to put before you the true and real facts, views and feelings of the Indian Christians and show you the growing dissatisfaction and resentment of the Indian Christian masses both among the Roman Catholics and Protestants against the policy and attitude of the All-India Conference of the Indian Christians which claims to be the representative body of the Indian Christian community.

He quotes Mr. C. F. Andrews:

> A Census Superintendent suggests that an attempt was made in places by its agents to induce Indian Christians to describe themselves as Hindus in the census returns.

Joint Electorate[1]:

> The ideal of joint electorate is highly appreciated by the Indian Christians and we have been a pioneer community in advocating this ideal for the last 75 years. But to our deep grief and great disappointment the major communities in our motherland on the basis of religious prejudice have sabotaged this ideal. They are responsible for disunity and separate electorate in India.
>
> Indian Christians have miserably suffered in all respects during 75 years by having joint electorate with the Hindus. Any Indian Christian, who tried to stand for election, was voted down by the Hindu merely on communal and religious feelings and not on the grounds of merit. So it was not possible at all for any Indian Christian to get elected on legislative assemblies, municipalities and district boards. Perhaps there may be a rare exception in India. Hindus have been enjoying the rights of Indian Christians for the last 75 years. Congress leaders who talk of nationalism and democracy never gave the slightest consideration to encourage any Indian Christian by electing him on Hindu votes.
>
> The leaders of All-India Conference of Indian Christians are

[1] *Quotation from Mr. Datta's pamphlet is continued.*

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very shy of giving prominence to this question. They push the matter in the background when others agitate about it. Their favourable apologia is that it is futile to make a fuss over it, as any safeguard would be a scrap of paper only. Can we rest content with this attitude?

Had the Indian Christian community demanded a separate electorate in the Montague-Chelmsford Reforms, today they could have 8 seats on the Central Legislative Assembly. Now 8 Hindus are enjoying the rights of the Indian Christian community in the Central Legislature who have never even cared to represent and safeguard the interest of the Indian Christian community. If we had our separate representation in the Central Legislative Assembly, we would have played an effective part in the interest of the country and community. Today we have to do supplicant knocking at the doors of the Government to have mercy on us to nominate an Indian Christian on the Central Assembly and other bodies of the Government. Not only we have evidence and experience but we have also very much suffered. When the Congress talk of a joint electorate, it means Hindu domination. They want to usurp the rights of the minorities which is evident through their long practice, policy and action. How can they blame that the British Government introduced the principle of separate electorates in India? The majority is responsible for it. We are as much Indians as any others in this country are. As a community the Indian Christians must see that the future Government is run in a way which is not only conducive to the general well-being of our country but also to the Indian Christians. The general well-being of the country cannot be secured if the Indian Christian community, a most important factor of the country, suffers.

If you want your existence in this country, get rid of these Congressites and Hindu type Christians. Disaffiliate your Association from All-India Conference of Indian Christians.

This will show that the revolt against the All-India policy of Christians has been simmering for a long time. It has now come to a head.

Then I would place before the Commission the resolutions of the general meeting of the Indian Christian Association held on

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the 19th of this month. 150 delegates from all over the Punjab attended this meeting. One of the resolutions passed was:

> That this general meeting of the Punjab Indian Christian Association confirms the action of the Executive Committee in instructing their representatives in the Assembly[1] to endorse the agreement reached by the country's leaders, by voting for Pakistan on the 23rd June.

Another resolution was:

> That this general meeting of the Punjab Indian Christian Association fully approves and supports the memorandum filed by the Punjab Joint Christian Board before the Boundary Commission.

So, there can be no greater proof than this that our organization, of which Mr. Bannerji was the Joint Secretary and is still a member and every man of note has been and is a member, has endorsed this view. Mr. Bannerji while submitting his resignation never said a word against this policy. I place on record his resignation in which he says:

> On account of personal occupations arising out of the recent developments, I will be too busy with personal affairs to continue satisfactorily as the secretary of the I.C.A[2]. I therefore tender my resignation. Please elect someone else as the secretary. I may add that this resignation is not on account of any friction but for the reasons mentioned above.

From the above facts it would be clear that we are not an ineffective body and that we have a right to speak on behalf of our community.

Another submission is that Hindus and Sikhs are a powerful body and they are politically powerful and if they are divided this side or that side they can depend upon their retaliatory resources. But the Christians are a poor community, they have no political power on either side. They have to depend upon their own resources. If they are divided, they shall become ineffective on both sides. In the Punjab we were 1.7 per cent and in Pakistan on the notional division basis we are 2.5 per cent. So politically

[1] *i.e. the Punjab Legislative Assembly.*
[2] *i.e. the Indian Christian Association.*

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Pakistan gives us a better status. Out of 60,000 persons in the Eastern Punjab there are 32,000 who are living in those tehsils where Muslims are in a majority. We would like those living in the other part to come to this side and if they do so, then our position would become stronger. With such a small minority they would be looked after by other Christians in India and would depend upon the mercy of others. But if they come to our side they and we will become comparatively stronger. I hope when you are consolidating the larger communities you will not forget this small minority. In this connection I would like to make special plea for Pathankot and it is not on the basis of population. We have a Boarding Girls School of its own kind there, where girls of lower middle classes are studying. There is no other school of its kind. If that becomes a pocket, this school will have to be closed and we shall suffer a great loss.

Now I come to Gurdaspur district. There we are about 51,522. That is the figure according to the census. Nowhere the census is as wrongly done as in this district. Even the statistics show that variation per thousand has been within 10 years only one, that is, instead of 148 per thousand, we are now 149 per thousand. If anybody says that statistics are wrong, then I claim that we are the hardest hit. Christians are the labourers and tenants of the zamindars and they can put them whatever they like, they can put them as Mazhabi Sikhs, etc. This is an old disease. In this pamphlet from Rev. C. F. Andrews, Mr. Datta has quoted about this complaint that Christians are being written as Hindus. In the Gurdaspur district as a whole we are about 4.4 per cent. The point to be considered is that Gurdaspur, Gujranwala and Sialkot form one homogeneous group as far as my community is concerned. Others belong to the Churches which are governed ecclesiastically by international authorities. Here the Church is Presbyterian and the pastors receive no salary from abroad. Christians of these districts are inter-dependent, religiously, socially and economically. So in the districts of Gurdaspur, Gujranwala and Sialkot they form one homogeneous group. Our population in these three places is: Gurdaspur 51,522; Gujranwala 60,380; Sialkot 73,846, i.e., about 6 per cent of the population.

MR. JUSTICE DIN MUHAMMAD: In Gurdaspur you have shown 4.4 per cent and not 6 per cent.

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DEWAN BAHADUR S. P. SINGHA: Yes.

Another point which our people have asked me to put before you is the fear of persecution and this is no empty fear, if we are forced to go to the other part after making our choice known. I do not want to wash dirty linen or make any allegations against anybody. I am ready to give details if you like. Persecutions have already started in villages. There have been threats of forcible conversions of Christians unless they get out of the village. In this connection a confidential note has come to my hand which was circulated to missionaries in which it was stated: "Please continue in prayer for our choice of a pastor for *Christians in village churches being urged to become Nahangs*". That is the fear. It concerned the people so much that it has been made a matter of prayer throughout the world. You have been thinking of property, assets, railways and shrines, etc. My humble submission is that human beings have greater value than any assets. Five lakhs of human beings are surely worth more than so many fields or business concerns. Our religion says—and most of the religions agree with us—that man is a living temple of God. They are living shrines. They have got human personalities. The human being has been recognised in modern politics as much more than property. There is no justification in counting our heads along with the non-Muslims. Our number should be deducted from the non-Muslim population, which is assumed to be adverse to living in Pakistan.

In conclusion I say that the bulk of our population should be allowed to go to the West Punjab where most of us live and want to live. The weight of our number and our percentage of population should go to the Muslims, to make their majority bigger or to make them from minority to majority in all their claims.

ARGUMENTS OF THE ANGLO-INDIANS

MR. C. E. GIBBON: It would not have been necessary for me to address the Commission because I feel that the interests of my small community are well placed in the hands of the architects of Pakistan. But due to the fact that Mr. Bannerji has made certain incorrect references to my community, I consider it necessary to clear up the inaccurate statements made. I do not propose to give any weightage to the representative character of Mr. Bannerji. He

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is not an Anglo-Indian and 'Eagles do not fight with mice'.

Speaking on behalf of my community, I propose to confine myself to the reasons set out in paragraph 10 of the Joint Memorandum[1]. In that paragraph it has been stated:

> The Anglo-Indians are happy to be in Pakistan. They regard Lahore and the West Punjab as their homeland.

This might require some explanation. It is a well known fact that the 'cream' of the Anglo-Indian community comes from the Punjab. Their origin dates back nearly to 200 years—as a matter of fact, back to the days of the Afghans and the Mughals, mighty Muslim rulers in this land. Many of us Anglo-Indians in the Punjab can even trace our descent from the Kings of Oudh. Speaking for myself, I am in fact an Anglo-Muslim. My great grandfather married a Muslim princess, and so by descent I am a European-cum-Muslim. Such is the case with practically 99% of the Anglo-Indians of the Punjab. They are the descendants of the Anglo-Muslim race.

A charge has been levied that the Anglo-Indian community has for one reason or another changed sides. I dare to say that the Anglo-Indian community has never taken sides to change sides. But attempts were made to coerce me and my community into taking sides. Diabolical means were adopted to force us in that direction. We, however, resisted, placing self-effort and self-reliance on our own strength and intelligence. My community in the Punjab, though small in numbers, finds itself mostly in that notional division now known as West Punjab. We are only 5,891 in number according to the last census report which the Congress party, more than anyone else, claims to be inaccurate. So do we, and I say without fear of contradiction that but for every white-faced Anglo-Indian styling himself a 'European', our numbers would have been very much larger. This is pretty obvious from the fact that although our population is shown to be 5,891, nearly 4,000 Anglo-Indians with dependants are on the North-Western Railway alone. Similarly in the Posts and Telegraphs Department we have over 1,000 Anglo-Indians and in the Punjab Government service we have over 600, and about 2,000 in other walks of life. Approximately 8,000 Anglo-Indians. This alone shows how inaccurate the census figures are in so far as my community is

[1] *S. No. 11 in the list appearing as Enclosure to No. 243, Vol. I, p. 475.*

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concerned.

The larger communities, in addition to their population, base their claims to territory, on 'vested interests'. This factor cannot be applied to us, for what we lack in 'vested interests', we make up for in brain, brawn and initiative. We have, though small in number, largely contributed to the development of the Punjab and particularly the city of Lahore. We claim to have the most up to date schools and colleges; we claim to have placed the medical profession and the nursing services in the position in which they are today. Our nursing services have a reputation, not only in the Punjab but throughout the world, as being the most efficient nursing service in existence. We built and developed the railways; we have built and controlled the Posts and Telegraphs; we hold positions of responsibility and trust in the Provincial and Central Government Services, and are in key positions in the departments responsible for maintaining law and order. All this with a population of only 5,891 people including women and children is no doubt a fair contribution made by a small community to the development of the Punjab and in particular to the city of Lahore. Therefore we Anglo-Indians of the Punjab lay a very special claim to the city of Lahore not, as I have previously remarked by virtue of numbers or vested interests , but for the very fact that this city was planned and developed with our sweat, toil, culture and initiative.

We, the Anglo-Indian people of the Punjab, are as much natives of the Punjab as any Hindu, Muslim or Sikh. I therefore pass on to sub-paragraph (b) of paragraph 10 of the memorandum which states:

They want their small numbers in the Punjab to be consolidated.

That can easily be done, for as a matter of fact it has already been done. For the simple reason that in the Ambala and Jullundur divisions there were according to the last census report 1,178 Anglo-Indians, but I am happy to say that this number is very much larger now and that 99% of them have declared for Pakistan. My problem therefore to an extent is solved.

I now pass on to sub-paragraph (c):

They feel sure that their culture will be preserved and their

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freedom of religion guaranteed,

This to us, gentlemen, is a very serious matter—a matter which, for one reason or another, has occasioned much misapprehension and doubt in the minds of Anglo-Indians, not only in the Punjab but throughout the length and breadth of the country. I am daily in receipt of letters from all parts of India enquiring whether Anglo-Indians may come from Hindustan to Pakistan. The reason for this is obvious, for the seed of distrust was sown on the floor of the Constituent Assembly on 1st May when Mr. P. D. Tandon declared—I quote from the *Dawn*, dated 2nd May, 1947:

> In the Constituent Assembly on Thursday a heated debate took place on the right of conversion. Mr. P. D. Tandon created a furore by declaring that Congressmen were against the right to propagate faith but had agreed to the clause in order to 'carry their friends' with them.

The whole Anglo-Indian community has stood up to defend their sacred rights. Propagation of faith and conversion is an article of faith with us, Christians, and for which we, like others, are prepared to lay down our lives.

It pains me to say that dastardly attacks by members of the Sikh community on innocent, undefended and disinterested Anglo-Indian women have been made. This is not a secret. It is on police records. As a matter of fact, it grieves me to observe that one of the accused happens to be the son of a learned advocate of the High Court. You say then why do Anglo-Indians fear to stay in Hindustan? My reply is that I have shown cause why they should get out of it and with the help of Almighty God stay out of it.

The seed of distrust was also sown by no less a person than Sardar Baldev Singh, the Defence Member, who at a meeting held on 27th April 1947 in Delhi endeavoured to coerce me into obeying the Congress mandate, which I refused to do. I quote from the verbatim proceedings of the meeting held on Sunday, the 27th April 1947:

> MR. FRANK ANTHONY: If the Anglo-Indians had helped the Muslim League to form a ministry at this time, what would have been the attitude of the Sikhs towards the community?

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DEFENCE MEMBER: The Sikhs will not touch the community.
MR. GIBBON: How can the Anglo-Indians help to form a ministry?
DEFENCE MEMBER: Our position is that even if the Anglo-Indians or Christians or some other minorities join the Muslim League and form a ministry, we will not touch this coalition at all. We consider it suicidal for the Sikhs to join a ministry.
MR. FRANK ANTHONY: And what would have been the attitude of the Sikhs towards us if such a ministry were to be formed?
DEFENCE MEMBER: Complete boycott and more trouble.

Here is a responsible minister of government intimidating a little people, five to six thousand strong, by threats of "complete boycott and more trouble". We, however, took up the challenge, sir, and the Anglo-Indians of the Punjab have given them all the trouble they want.

Again, in reply to an enquiry, the Defence Member stated:

> Then again, as regards the community being involved in riots, it will certainly create a very bad effect on the Sikhs and Hindus. They will say that the Anglo-Indians have joined the Muslim League and that will naturally involve the community into these communal disturbances. Communal feelings in the Punjab are very high at present.

All these threats were given out by Sardar Baldev Singh, the Defence Member, merely because the representative of the Anglo-Indian community in the Punjab refused to obey the Congress mandate.

In the light of these observations, sir, I need not address you further on sub-clause (d) except to say that my people in the Punjab, who come of different stock to that of Anglo-Indians in Madras and elsewhere, have made their decision and shall not go back on it. All that we place before this Honourable Commission is that we have decided to make Pakistan our homeland. With hope in my heart and a prayer on my lips, I appeal to the Commission not to split us more than what has been done in the past and to consider us as 'another factor' in the case of Pakistan.

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ARGUMENTS OF THE AHMADIYYA COMMUNITY

SHEIKH BASHIR AHMAD: I propose to confine my observations to the limited question, namely, the special claims of Qadian to be included in th Western Punjab. Sir Muhammad Zafrullah, the senior counsel on behalf of the League, will address you the main arguments on the basis of geographical, economical and other factors urged by the counsel on behalf of the non-Muslims. It is no doubt true that Gurdaspur also is one of the districts which has been seriously debated upon. But there are certain aspects which are common to the Ahmadiyya community and the Muslim League, and I propose to leave them as I have already indicated for the senior counsel, Sir Muhammad Zafrullah, who will address you on behalf of the Muslim League.

Now the terms of your reference, as I read them, are that the Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of the Muslims and non-Muslims. In doing so it will also take into account 'other factors'. Reading in the context my respectful submission is that I am only indicating that the primary intent and the intention, judged in the context is that the basic feature on which this demarcation of boundary is to be effected is the majority population. Everything else is subordinate to that consideration and ancillary to that consideration. On that basis I proceed to speak on the claims of Qadian to be included in the Western part.

The foremost consideration is that Qadian falls in the contiguous area of a Muslim majority population. For that purpose I would respectfully refer you to the map which accompanies the memorandum submitted on behalf of the Ahmadiyya community[1]. You will be pleased to see from that map that Batala tehsil is marked green and Qadian falls in it. There is a contiguous green colour showing the majority Muslim population area and the tehsil of Batala is there. Working it out, whether on the basis of tehsil or *zail*, thana or *qanungo* circle, it falls in the Muslim majority area. These are the well known divisions of the administration of the province. In the map you see that working it out on any of these

[1] *Vol. I, p. 428.*

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units as basis, you will find that Qadian falls in the contiguous area of a Muslim majority population. From whatever angle this question is approached, you will irresistibly come to the conclusion that it falls in the Muslim majority area. That being the basic consideration, my respectful submission is that one need not proceed further. That would be the final word on this subject. But there are other considerations too.

The tehsil of Ajnala and the tehsil of Narowal are contiguous to the tehsil of Batala. A further factor which I shall place before you is that out of all the tehsils in the district of Gurdaspur, the majority of Muslims are concentrated in the tehsil of Batala. In the tehsil of Batala the percentage of Muslims is 55.6, in the tehsil of Narowal it is 54.93 and in the tehsil of Ajnala it is 59.46. These are official figures and you will be pleased to see that these two tehsils which are contiguous to the tehsil of Batala have a Muslim majority population. On this basis, if the contiguous area is to be demarcated on the basis of adjoining tehsils—though administratively they fall in other districts—on this basis no other conclusion is possible than that Qadian, which is in the tehsil of Batala, is a Muslim majority area. You will be pleased to see that a good deal of your time was taken up by counsel opposite considering 'other factors'. I wish to make it quite clear that the primary basis of consideration is population and my honourable friends opposite have been banking not on contiguous majority areas but...

MR. JUSTICE MUHAMMAD MUNIR: Are you aware of the method of approach of the other side that the area which you claim is not a majority Muslim area? Have you got anything to say on that point?

SHEIKH BASHIR AHMAD: My submission is that I can very well understand if a small portion of the other community wedges in—or if a small area of a particular community wedges in—a very small area could be ignored and I can very well understand if a ring is made about a very large area of the population, it is a different thing altogether. There is another method of approach of collecting together every area so as to see that that constitutes Muslim majority area.

MR. JUSTICE MUHAMMAD MUNIR: I think you have not followed the method adopted by the other side.

SHEIKH BASHIR AHMAD: I was not here then.

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MR. JUSTICE MUHAMMAD MUNIR: They have excluded three bits which constitute Muslim majority areas, one of them being Qadian, the others being the towns of Batala and Fatehgarh Churian and they say if you exclude these three Muslim majority areas the remaining tehsil will be a non-Muslim majority area.

SHEIKH BASHIR AHMAD: My submission is that if these three areas are to be excluded, you should employ a uniform method before you proceed to decide whether it is a Muslim majority area or a non-Muslim majority area. I submit that whether you treat a thana as a unit or a *qanungo* circle as a unit or a *zail* as a unit or a tehsil as a unit we must know what is the basis. But it is not possible for us to believe...

MR. JUSTICE DIN MUHAMMAD: Will you place before us an illustrated map tomorrow?

SHEIKH BASHIR AHMAD: Coming to the other factors you will be pleased to see that what the Sikhs claim, as I understood it, is this. A great deal was made of certain shrines, particularly Nankana Sahib shrine and the shrine at Amritsar, that Nankana Sahib is the birthplace of Guru Nanak and that there are other shrines at Amritsar and at Srigobindpur. These historic shrines are enumurated in the Sikh Memorandum[1], paragraph 56, page 52, and they say:

> For the Sikhs, the tract commanded by the Upper Bari Doab Canal has got a very special significance. The Sikh religion centres round the Golden Temple of Amritsar and its tank. Guru Ramdas first settled near the tank about 1574[2] and obtained a grant of the site with 500 *bighas* of land from Akbar in 1577[2]. The tank was called Amritsar, the tank of nectar or immortality; though others derive the name from Amar Das, the predecessor of Ram Das. Arjun the next Guru, built the temple and the foundation grew in religious and political importance, until, on the retirement of Ahmad Shah from India, in 1762, the temple rose from the ashes in which he had left it, and Amritsar became the acknowledged capital of an independent community. The Akal Bunga at Amritsar facing the Golden Temple is the seat of spiritual authority for the Sikhs and the seven storeyed tower known as Baba Atal built

[1] *Vol. I, pp. 381-382.*

[2] *The reference is to the Christian Calendar.*

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rather more than a century ago commemorates the memory of a son of Guru Hargobind. A metalled road connects Tarn Taran with Amritsar which is 14 miles to the north. Tarn Taran is the chief town in the Amritsar Manjha or upland tract, but its importance is entirely religious, and centres round the sacred tank said to have been dug by Arjun, the Fifth Guru of the Sikhs, which is 300 yards square, with a paved walk running round it. Ranjit Singh greatly revered the temple at Tarn Taran which was originally built in 1768, and overlaid it with plates of copper gilt...

Again:

Regarding Gurdaspur it is recorded at page 59 of the *Imperial Gazetteer of India,* Punjab, Volume II, that the "chief historical importance of the District, however, lies in its connection with the rise of the Sikhs. Dera Baba Nanak on the Ravi preserves...

(The Commission rose at 4.00 pm to meet again on Saturday, 26 July 1947.)

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VI

26 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Saturday, 26 July 1947 at 10.00 am.)

ARGUMENTS OF THE AHMADIYYA COMMUNITY—*Contd.*

SHEIKH BASHIR AHMAD: Yesterday when you rose for the day I had made the submission that, as I read the terms of reference, the basic conception is that it is on the basis of majority population that demarcation is to be effected. I had made a further submission that whatever the unit of distribution, whether you take it as the tehsil or the *zail* or the thana or the *qanungo* circle, Qadian falls within the majority population area of Muslims.

So far as other factors are concerned, I have made the submission that on behalf of the Sikhs certain schemes have been preferred on the basis of certain shrines which are situated at Nankana, Amritsar and Sri Hargobindpur. I may make a submission that even in the debate of the House of Commons, reference has been made to the shrines. Whatever its value it is for you to determine but I submit that if on the basis of shrines this question is approached, you will be pleased to see that, so far as Qadian is concerned, it has certain distinguished features which would justify my making this submission that the claims of Qadian are of foremost importance and should receive your first consideration. You will be pleased to see that Qadian is the place of the holy founder of the Ahmadiyya movement. He claims to be the promised Messiah and the Mahdi of the later days. His claims withstood opposition but in a short while people from far and near rallied round his standard. He climbed by following in the footsteps of the Master Prophet Muhammad—Blessings of God be

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upon him—and reached this spiritual eminence. The life activities of the holy founder of the movement were directed from this place. People from every end of the globe clustered round him to seek spiritual light and to gain religious knowledge. The last remains of the holy founder of the movement also are buried in this place. Eminent and distinguished members of the community, because of their devotion, sacrifice, and service to Islam, also lie buried there. The learned in religious literature are there to impart religious instruction. The Central Ahmadiyya Organisation has its headquarters at Qadian. The central treasury of the Ahmadiyya community, where lakhs and lakhs of rupees by voluntary contribution are sent, is located at Qadian. There is a Missionary College which caters to the needs of the community so far as religious instruction goes and above all the dynamic personality of the head of the Ahmadiyya community, the second successor to the promised Messiah, lives there and members of the community flock there to hear learned discourses and to gain spiritual uplift. You will thus be pleased to see that Qadian is a living centre of the entire Ahmadiyya community. It is a living centre to which all people, who live in different parts of the globe look for religious and spiritual knowledge. They all refer to Qadian for all their spiritual, cultural, moral and religious needs.

MR. JUSTICE MUHAMMAD MUNIR: What is the number of the community?

SHEIKH BASHIR AHMAD: Half a million.

MR. JUSTICE TEJA SINGH: Were they separately enumerated in the last census?

SHEIKH BASHIR AHMAD: No distinction of Ahmadiyya was made in the last census. The only distinction which was recognised was that if someone described himself as a Shia, he was described as such but if he gave any other description as Hanafi, then he would be classed as such. On the occasion of the annual gathering more than fifty thousand people flock to Qadian. The railway tickets could be an indication to that effect. More than fifty thousand attend the annual gathering.

MR. JUSTICE TEJA SINGH: Fifty thousand are in the British Punjab and how many are elsewhere?

SHEIKH BASHIR AHMAD: A million all told and that is a very modest estimate. As I shall be presently submitting, people living

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in different countries claim to be members of the Ahmadiyya community.

MR. JUSTICE DIN MUHAMMAD: There is some misunderstanding about your figures. You said that half a million Ahmadiyya belong to the Punjab and half to areas outside the Punjab. You said that fifty thousand attend the annual gathering.

SHEIKH BASHIR AHMAD: That is a fact which could be verified by reference to the railway authorities.

MR. JUSTICE TEJA SINGH: How do you get on that figure when the census records do not show the number?

SHEIKH BASHIR AHMAD: If fifty thousand people attend Qadian on the occasion of the annual gathering, that is an indication of what the number of the community should be.

This community has a universal appeal that it is an international movement in Islam and I will now place before you certain opinions expressed by various people bearing on the Ahmadiyya community. The first quotation which I place before you is from the *Encyclopaedia Britannica*, 14th Edition, Volume 12, pages 711-12. I will not read the whole but a part of it.

> The Ahmadiyya community—Missionary activities not only in India, West Africa, Mauritius and Java, but also in Berlin, Chicago and London. Their missionaries have devoted special efforts to winning European converts and have achieved a considerable measure of success.

Then Craven in *Muslim World*, Volume 21, Serial 2, page 510 :

> This leads to discussion of the Ahmadiyya, the Muslim counterpart of Hindu or...they are marked by devotion, zeal and sacrifice that calls for general admiration.

Dr. Murray in his book *Indian Islam* at page 223 makes the following observation :

> The Ahmadiyya are at present the most active propagandists of Islam in the world.

De Lacy O'Leary in his book *Islam at the Cross Roads* on page 105 makes the following observation regarding the Ahmadiyya :

> Mission preachers have been sent to different parts of India and

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> it is said, to Syria, Egypt and England. But the Ahmadiyya movement in England does not aim at taking converts, though it invites them. It is making a very definite effort to improve the attitude of the English people towards Islam and to secure for it a fair and just hearing, a purpose which must command sympathy even from those who are actively engaged in Christian missionary work among Muslims, for the removal of misrepresentation and misunderstanding can only be a gain to both sides in controversy.

Then again Sir Thomas Arnold in his book *The Islamic Faith* on pp. 70-71 makes the following observations :

> The bulk of his *[Ahmad's]* followers is to be found in the Punjab but they carry on an active propaganda and have missionaries in England and Germany, in British colonies, and other parts of the world, and have succeeded in winning converts not only among other Muslims but also among Christians.

Professor H.A.R. Gibb in his book *Whither Islam* at page 214 makes the following observations :

> This religious movement through its own dynamic force has attracted wide attention and secured followers all over the world. It is named after its founder Mirza Ghulam Ahmad of the town of Qadian in the Punjab.

On page 287 he says :

> In Java as well as in Sumatra, and partly in competition with Mohammadiyah, the Ahmadiyyah movement has been making itself felt during the last few years... The doctrine of the Ahmadiyyah is of a highly ethical character and it directs itself particularly towards the intellectuals.

Then W. Wilson Cash in his book *Expansion of Islam* on page 222 says as follows :

> ...This sect, is among the most enterprising in missionary efforts in Muhammadans...

Basil Mathews in his book *Young Islam on Trek* at page 136 makes the following observations :

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Their [The Ahmadiyya Community's] small numbers are no indication of the influence of the movement.

So my object in placing these references before you is not what I speak of myself but what is others' estimation of the activities and position of Ahmadiyya movement in Islam and I submit that it has a position of distinction. In visualising the importance I may place before you that the first and the foremost distinction is that it is a living energetic centre which is controlling and directing the activities of the members of the Ahmadiyya community all over the world. I am placing these simple facts now but when I come to discuss the three Sikh shrines, the distinction will be pretty obvious. You will be pleased to see what great admiration and sense of reverence the members of this community have for their holy founder. This can be estimated by another fact. In 1900 there were hardly 2 scores of men in Qadian which was then a village and had absolutely no features to recommend itself. There were no facilities of communication etc., and no one could envisage that this was going to be a big and flourishing town.

MR. JUSTICE TEJA SINGH: When was that sect founded?

SHEIKH BASHIR AHMAD: It was founded in 1889. I was making this submission that there were hardly 2 scores of people in Qadian in 1900. But people from far and near, giving up their original homes, migrated to this place to sit at the feet of their master to acquaint themselves with the religious instruction for their spiritual uplift. Today Qadian claims not less than 15,000 people, out of whom 90 per cent are the members of the Ahmadiyya community. I make this distinction advisedly because people on account of great religious attachment to their centre gave up their homes and came to this place. You will be pleased to see that at the present moment there are people in Qadian from Bengal, Assam, Bihar, Orissa, U.Ps., C.Ps., Hyderabad Deccan, Madras, Bombay, Sind, Ceylon, Afghanistan, Mauritius, Indonesia, Turkey, Syria, China and even from England. People from these countries at the present moment have moved to Qadian, some of them temporarily, to seek religious instruction and a vast majority of them have given up their original homes and made Qadian their home.

Not only that—the universality of the appeal made by the holy founder can be estimated by another factor, and it is this that the

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Ahmadiyya community has established its branches in the United States of America, in Canada, Argentina, England, France, Spain, Italy, Syria, Palestine, Iran, Afghanistan, China, Ceylon, Mauritius, Burma, Malaya, Indonesia, Kenya, Tanganyika, Uganda, Abyssinia, Sudan, Nigeria, Gold Coast and Sierra Leone. In some of these foreign countries, there are hundreds of local branches. It shows that though this community is not numerically strong, it undoubtedly occupies a recognised international position.

Now, sir, at this stage I wish you to turn to the claim preferred by the Sikh community on the basis of their shrines. So far as that claim is concerned, Nankana Sahib is sacred to them because it is the birth place of Guru Nanak, Sri Gobindpur is sacred to the memory of the third Guru and Amritsar is important for its associations with the fourth Guru. In spite of all these claims—I may make it clear that I do not propose to dispute their claim on the ground of their religious sentiments—if you look to the population of these places, the population of the Sikhs in Amritsar is only 15.03%. In Nankana Sahib, which is the birth place of Guru Nanak, they number only 5,437 out of 13,000[1] and Sri Gobindpur is just a village with no peculiar feature to recommend its importance. No doubt these are all sacred places but the Sikhs do not receive any spiritual inspiration from these places.

SARDAR DARBARA SINGH: I strongly protest against what has been said by Sheikh Bashir Ahmed. By saying that the Sikhs do not receive any religious inspiration from these places he has injured the feelings of the Sikhs. I wish to emphasise that all these places are the holy shrines of the Sikhs and the Sikhs receive religious instruction from these places.

MR. JUSTICE DIN MUHAMMAD: He is not injuring the feelings of any community. He is only drawing an inference from the paucity of Sikhs in Amritsar and Sri Gobindpur.

SARDAR DARBARA SINGH: In his zeal to stress his point, he has certainly injured the feelings of the Sikh community.

MR. JUSTICE TEJA SINGH: It is for the Commission to judge the force of his argument.

SARDAR DARBARA SINGH: I strongly voice my protest against what he has said.

MR. JUSTICE DIN MUHAMMAD: Your protest has been record-

[1] *The correct figures are 5,427 and 12,981 respectively.*

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ed. I would ask Sheikh Bashir Ahmad not to draw any inference but simply quote facts and figures.

SHEIKH BASHIR AHMAD: The Ahmadiyya community has 745 branches and out of these 745 as many as 547 lie in Pakistan. In other words as many as 74 per cent of the branches of our community come in the area which falls in Pakistan. As you know, sir, the money which comes in the central treasury is in the nature of voluntary contribution and the vast majority of those contributors, in fact 3/4th of the entire people who contribute to our central exchequer, fall in Pakistan. The economic stability of the community also requires that Qadian should fall within the area of Pakistan. Besides that, 15,000 acres of land purchased by the Central Ahmadiyya Organisation lie in Pakistan and the property of the members of the community many many times over also lies in Pakistan.

Now I come to the literature of the Ahmadiyya community. Needless for me to say that all the literature of the community is in Urdu and therefore so far as the members of the community are concerned, it is of vital importance that their connection with the Urdu literature should be a living connection. In the Indian Union the language which has been evolved has nothing in common with Urdu and we understand that the script that they are going to adopt is the Hindi script. This is of vital importance because the Ahmadiyya community will have to learn Hindi for their economic prosperity and to seek service and if they do that, that would mean their spiritual death or at least their spiritual stagnation. If on the other hand they stick to Urdu, that would seriously affect their economic prosperity. My submission therefore is that for their economic stability and religious literature the Ahmadiyya community should be within Pakistan.

MR. JUSTICE TEJA SINGH: What is the position of the Ahmadiyya community as regards Islam?

SHEIKH BASHIR AHMAD: They claim to be Mussulmans first and Mussulmans last. They are a part of Islam.

It is a well known fact that the main objective of the Ahmadiyya community is to spread the message of Islam to every nook and corner of the world and in order to achieve that objective it is essential that our community should not be placed in the situation where difficulties would be created for the propagation of their

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religion. As you well know, in the Indian Union one particular sect of the Hindu community, the *Sanatanist*, is against conversions and it will be naturally very difficult for us to achieve our objective, namely, the bringing of every individual under the banner of Islam and I make bold to say that this will never be tolerated by the Ahmadiyya community.

There is another important matter to which I would like to draw your attention at the present stage. In the terms of reference of the Commission, you will find that there is a definition as between the Muslims and non-Muslims. Non-Muslim is a negative definition which excludes all those who do not subscribe to the faith of Islam and therefore so far as the terms of reference of this Commission are concerned, it is the solidarity of the Muslim community which is primarily to be considered. I am making this submission advisedly. There is no class of people who subscribe to the nomenclature of non-Muslims. There are people following different faiths in India; Parsees, Christians, Hindus, etc., etc. Non-Muslim is a convenient expression to describe them all. The basis of your terms is that you have been called upon to demarcate the Muslim majority areas and the non-Muslim majority areas. The only community which can claim solidarity is the Muslim community. Sikhs do not figure separately, they are included in the term "non-Muslims". The only community whose preservation is intended under the terms of reference is the Muslim community. Religion is the basis of this division. Qadian has become a living international unit of the Islamic world. Therefore this unit has to decide whether it should go to the Indian Union or Pakistan and it is Pakistan that we have decided to join.

The second consideration which I wish to place before the Commission is that when Pakistan is established, it will have very close relations with the outside Islamic world. There will be greater facilities for us in Pakistan and the interests of the community will be better safeguarded there. Therefore my respectful submission is that on that ground also the claims of the Ahmadiyya community merit your first consideration.

My last submission is this that no doubt our Sikh friends rendered meritorious services to the British Government, but they, for the services they had rendered, were compensated by the grant of land in the canal colony areas. Yet the Ahmadiyya community is

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in a position to make this statement that even on the point of services rendered to the state, considering their numerical strength, it stands foremost in that direction. A reference to Appendix 3[1] would indicate that even in the last Great War about 199 members of this community held the King's Commission and they held very high and responsible positions. So on points of services also the Ahmadiyya community can stand with any other community. As a matter of fact its claim must receive foremost consideration. I am in a position to declare that the Ahmadiyya community has never asked for rewards and in fact has never been given any. Its ideology is that you must cooperate with the government that is established by law and it is in deference to that ideology that we served the state and we shall continue to do so. What I submit is that our Sikh friends want that their economic prosperity should not be adversely affected and they have given in support figures of income tax, etc. I say that is wrong, that is not an index of their economic prosperity, but it is due to the services they have rendered and they have had enough reward for their services. But if they want to make that prosperity a ground to demarcate any other portion of land for the benefit of other people, my submission is that it would be too much. With these words I finish the case of the Ahmadiyya community.

ARGUMENTS OF THE MUSLIM LEAGUE

SIR MUHAMMAD ZAFRULLAH KHAN: It is no matter either of pride or of pleasure to be assisting in the proceedings which, whatever decision the Commission comes to or the Chairman arrives at, is bound to divide the province that one has always regarded as one's own. True, it is a matter of honour to have been selected by the only Muslim political organization in India to represent the case of Muslims before this Commission. I shall try to discharge that duty as best as I can but I do say that not only under a deep sense of responsibility but also under a deep load of sorrow.

I shall revert to the historical causes such as have been alleged to have led to the decision to partition the province later when I come to deal with the case said to be made out by my friend on

[1] *Vol. I, p. 464.*

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the other side. At the moment I am trying to put briefly the basis of the claim that has been put forward on behalf of the League. I shall start that with no earlier date than the 3rd of June.

On the 3rd of June, His Excellency the Viceroy announced the latest plan of His Majesty's Government[1] with regard to the future constitution of India. Before reading that out His Excellency made a broadcast[2] of his own. That broadcast has been described on the other side and is also treated on this side as a preface introducing His Majesty's Government's Statement of the 3rd June. The Viceroy has there stated the steps which led to the decision that was taken. He then tries to explain certain portions of the statement. In that sentence the word "unreservedly"[3] is significant which is relevant more to the portion to which, as I have said, I shall revert later :

> In my opinion that plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either to the Cabinet Mission Plan or any other plan that would preserve the unity of India[4]

The next sentence is crucial so far as this part of His Excellency's statement is concerned :

> But there can be no question of coercing any large areas in which one community has a majority, to live against their will under a Government in which another community has a majority[4] ...

What made it impossible to persuade political parties to accept unreservedly the Cabinet Mission Plan of the 16th May 1946 was that some features of that plan might operate to coerce some large areas in which one community has a majority to live against their will under a government in which another community has a majority, and as it was conceded that it should not be done therefore His Excellency goes on to observe :

> . . .the only alternative to coercion is partition.

[1] *Vol. I, p. 4.*
[2] *Vol. I, p. 1.*
[3] *"My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission Plan of 16th May, 1946"--See Vol. I, p. 1.*
[4] *Vol. I, pp. 1-2.*

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Stopping here for a moment, what is the basic idea inspiring that paragraph? Numbers. Numbers allotted to a particular area. No question here of proprietary interests, of economic interests or religious sentiments or associations. For instance, there are places on the vast continent of India like Delhi, Agra, Lucknow, Ajmer, Patna and many others around which Muslim sentiments, religious and spiritual sentiments, centre as strongly as Hindu sentiment or Sikh sentiment attaching itself to other places. Sentiment, you will remember, is not something that can be measured by any yardstick. You cannot decide for somebody else what should be the degree of his sentiment by saying 'Oh! Your attachment to a particular shrine is of one character and my attachment to one of my own shrines is of a different character'. The question that you can ask is how do popular sentiments in these matters run and it is on that basis that I submit that the attachment that the Muslims have is known to them. I cannot conceive of anybody whose sentiments are not attached to these places—with regard to Ajmer, with regard to the shrine of Hazrat Moin-ud-Din Ajmeri, with regard to the shrine of Hazrat Nizam-ud-Din of Delhi and Khawaja Bakhtiar Kaki and many others—with the depth of Muslim sentiment with regard to these places. The devotion of the Muslims to the memories of these saints is not the less in their degree or depth or devotion than the attachment of our Sikh friends to the shrines with which the memories of their great Gurus are connected. But what I am at for the moment is, as I have said, you have no measure for determining the degree of sentiment in these matters. What does this paragraph proceed upon? It proceeds upon this that there can be no question of coercing any large areas in which one community has a majority of numbers to live against their will under a government in which any other community has a majority.

Then the next para goes on to deal with the same matter from another aspect. The first paragraph was dealing with the question of the partition or division of India. His Excellency has said :

> To my great regret it has been impossible to obtain agreement on the Cabinet Mission Plan, or any other plan that would preserve the unity of India[1].

[1] *Vol. I, p. 1.*

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And therefore the principle had to be conceded that if there were areas the majority of population of which would not go into any plan which would have one constitutional centre for the whole of India, they could not be coerced to do so. Then it goes on to say that, "When the Muslim League demanded the partition of India, the Congress used the same arguments for demanding in that event, the partition of certain Provinces"[1].

What argument? Religious sentiments, vested interests, ownership of acres, ownership of banking and insurance companies, of capital invested in factories? If that had been the argument used, India could not have been divided. The same argument, that is to say, the argument used on behalf of the League. And here I desire to make this distinction that though the ideology of the League on the basis of which they said that they would not remain together with the rest of the country, was based upon different considerations, their claim to territory was based only upon one factor, and that was the factor of the majority of their population in certain areas. The same argument, that is to say, the argument that in the areas claimed by the League there were included certain provinces. We know today that the provinces meant were the Punjab and Bengal in which, in certain areas, the majority of the population was non-Muslim and not Muslim. The argument with which the League were faced was this, that if they had to live under one constitution, they would not be able to safeguard the things that they held dear. That is the matter of dispute, the Muslim League may have been told. But taking the claim, the concrete claim that you make on that basis, that is to say, that certain provinces shall be separated from the rest of India and shall frame their own constitution and therefore people shall live in the government which they themselves have devised. What answer have you to the argument that there are parts in two of these provinces where the *[non]* Muslims are in a majority and these parts are contiguous to the rest of India and people of these parts or a majority of them may desire to join the rest of India in framing the constitution in which they would wish to live? That was the argument. And as we shall see presently, Mr. Jinnah, as His Excellency described later on, was distressed by this argument, but he had to accept the contention. What contention? That in the Punjab and Bengal there are

[1] *Vol. I, p. 2.*

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areas, contiguous to the rest of India and to each other and which can be separated from the remaining portion of these two provinces in which the [Muslims][1] are in a majority. No other consideration was put forward and he had to yield to that argument. His Excellency says :

> To my mind this argument is unassailable[2].

MR. JUSTICE MEHR CHAND MAHAJAN: Please read the whole passage.

SIR MUHAMMAD ZAFRULLAH KHAN:

> When the Muslim League demanded partition of India, Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable[2].

If the argument had been that all over the province there were scattered the religious shrines of all the three communities and even of other communities in regard to which no investigation has been made, no principle of division could have been devised at all. Had there been an argument that the non-Muslims between themselves were owners of vested commercial, agricultural and industrial interests in the province, which outweigh those of the Muslims, if that argument had found favour, the whole of the province should have been assigned to India. But the only basis on which, as His Excellency explains, the demand for partition of certain areas was put forward and was accepted, was the fact of majorities in the population. This is further stressed by the next sentence.

> In fact, neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other.

Again 'a majority'—numbers. That was the first explanation with regard to the partition proposed of India and in that event of certain provinces. Then later on, two or three paragraphs later, His Excellency goes on to notice the position of the Sikh community. He says:

[1] *"non-Muslims" in the original record.*
[2] *Vol. I, p. 2.*

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> We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of Punjab, but they are so distributed that any partition of this province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent[1].

Pausing here for a moment—there is one more sentence to which I wish to draw your attention—there are the factors stressed by His Excellency. The first is that the partition is desired by the Sikh community. Supposing that the Muslims had said to His Excellency, "We have a majority in the Punjab amounting to 57.1 per cent, but that does not give us enough political strength to be able to devise a provincial constitution as the majority of our people may in the end desire. We would like certain predominantly non-Muslim areas in this province to be separated from the rest of the province, so that we could then get in the rest of the province a larger homogeneous whole than we would otherwise do from the point of view of division between Muslim and non-Muslim". It might well have been that His Excellency might have said, "That is all very well, but a division on that basis might be against the wishes of the Hindu community, and would almost be certainly against the wishes of the Sikh community who would inevitably be divided under partition of the Punjab", and having regard to all the factors that have been stressed on their behalf here, he might have declined to agree to that proposition. He might well have said, "You are 57.1 per cent, and non-Muslims all combined—no doubt the major portion being the Hindus and the Sikhs—amount to 42.9 per cent. The only security for the Sikhs is that they could by remaining together with the other non-Muslims secure certain safeguards from the Muslims or it may be that if they are afraid that if the province is divided and they form again in the divided portion which goes to the rest of India a minority, and even at that a second minority, they may be in a worse position in both parts than they are today, and that community being placed in that position, I am unable to accede to your request. You cannot have partition of the Punjab".

Suppose again that the Hindus had demanded the partition of

[1] *Ibid.*

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the Punjab, irrespective of any particular basis or on whatever basis. If they had demanded and the Sikhs had not desired it, His Excellency's answer may well have been the same, "Here is a valiant community whose good I have at heart and as that valiant community will be divided as the result of a demand made by the League which even if it is conceded by the Hindus would not justify a division of the Sikhs, I must decline that request. If the division comes about as the result of a request from the Hindus, even if it is conceded by the Muslim League, I will not accept it because it will divide the Sikhs". Neither of those contingencies was the contingency with which he was faced. Had he been faced by either of them, that might have been his reply. But look at the position in which he was placed. He says he has given careful consideration to the position of the Sikhs. He says that any division of the province would inevitably divide them. Therefore division from that point of view would be undesirable. But he says all of us are very sorry to think that the partition of the Punjab, which they themselves desire—and which therefore is inevitable; I cannot resist it, it is they who want it—cannot avoid splitting them to a greater or lesser extent.

"... cannot avoid splitting them to a greater or lesser extent", this position has been brought out by the demand of the Sikh community to divide the province.

> The exact degree of the split will be left to the Boundary Commission, on which they will of course be represented[1].

This sentence was fastened upon by my friend Sardar Harnam Singh on the other side and he sought to make it the foundation of an argument that this somehow lays upon the Commission the duty to minimise the split as far as they can by placing as large a number of them as possible in East Punjab. I shall come to the interpretation of it from that point of view later when I am dealing with the Sikh case but I do desire to submit at this stage that the sentence is incapable of bearing any such interpretation. All that the plain language of the sentence means is this. "They asked for a partition. I was therefore unable to resist". The partition that they desired, as we shall presently see explained, would split them into almost equal parts in the two parts of the

[1] *Ibid.*

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province. Then, a Boundary Commission will be appointed in pursuance of the statement of His Majesty's Government. It is only when they have determined the boundary that it will be possible to discover what is the exact degree of the split of the Sikh community. It may be that larger numbers of them might be found in the West Punjab, it may be that a larger number of them may be found in East Punjab. All that the sentence means is that it is not possible to foretell the exact degree of the split at this stage. It will be left to the Boundary Commission, that is to say, when they have drawn the boundary, it will be they who have to determine how many Sikhs should be on one side and how many Sikhs on the other side.

I now go on to that portion of the statement of His Majesty's Government[1] which bears upon this matter. Paragraph 5 of that statement deals with the notional division. The subsequent paragraphs 6, 7 and 8 deal with the machinery devised to ascertain with regard to certain parts of Punjab, Bengal and Assam as to which Constituent Assembly they would like to join. Paragraph 9 is the paragraph which deals with the division of these two provinces. After explaining that the notional division :

> ...is only a preliminary step of a purely temporary nature, as it is evident that for the purposes of final partition of these Provinces a detailed investigation of boundary questions will be needed[1];

the statement goes on to say :

> ...and, as soon as a decision involving partition has been taken for either province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned[1].

Then follows the really operative part of the paragraph which defines the functions of the Boundary Commission:

> It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims[2].

[1] *Vol. I, p. 6.*
[2] *Ibid.*

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There is one further sentence, but stopping here for a moment, I would again stress that the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims, is the basis of the partition. The next sentence is :

It will also be instructed to take into account other factors[1].

It has been contended that there are two sets of instructions to the Boundary Commission contained in this paragraph. One is to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and it was contended that there is another set of instructions that they are to take into account other factors also. I personally think there is very little that turns upon this distinction but for whatever this distinction is worth, it has actually, in the terms of reference, been knocked out as you will see presently when I come to the terms of reference. If there was anything in the juxtaposition of these words, it will also be instructed to do something. If any argument could be built upon these words, these words would have been altered in the terms of reference. As His Excellency indicated in his broadcast speech, the terms of reference were to be settled in consultation with the parties and we shall see what the parties did to this statement in devising the terms of reference. That was followed up by the press conference[2] that His Excellency gave the next day. Before I go on to invite the attention of the Commission to what His Excllency said in the course of that press conference, I do desire to submit this that that was still a stage where the whole machinery that was being set up, was being interpreted to the nation. Everybody was eagerly taking note of every word, of every expression, of every term or phrase that was employed either in these documents or in the course of the press conference. All that was said was being subject to meticulous analysis of true events. At that stage people were putting their own glossaries upon what has been said and everybody treated the whole thing as going together. But whether everybody did so or not is irrelevant. These three documents do go together. It was on the basis of it that the parties on either side agreed to the terms of reference. If the Viceroy in the course of his broadcast or in the course of his press conference said "this means this,

[1] *Ibid*
[2] *Vol. I, pp. 11, 17, 130 & 140.*

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that means the other", and if that interpretation was wrong or if that interpretation was not acceptable to any of the interests concerned, they would then have been alert to say that the terms of reference should put the matter beyond doubt.

That is the value of what the Viceroy said over the air or to *[sic]* the press conference. He introduced the statement of His Majesty's Government by a broadcast and interpreted it in the course of his press conference. He then invites the leaders of different sections to devise the terms of reference. If the terms of reference have in any respect departed from the language which His Excellency was interpreting, then to that extent that language and the interpretation of that part of the language was discarded so as to be applicable to the extent to which the terms of reference adopted the language that the Viceroy had already authoritatively interpreted. It was for this reason that the other parties agreed to the text of the terms of reference on the basis of that interpretation. That is the importance of the explanation given during the course of the press conference.

I now proceed to invite the attention of the Commission to such portions of the Viceroy's statement during the course of the press conference that have relevancy to this part of the subject. I shall have occasion to draw your attention to one or two other portions later on when I am dealing with specific matters. The Viceroy said—and this was his preliminary statement to the press representatives before they began to ask him questions. He said :

> All the Muslim League leaders to whom I spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in my mind, my next point was to see whether the Congress would agree to abandon the principle of unity to which they have owed allegiance so long[1].

He further said that those areas which did not wish to stand for unity could form a separate Constituent Assembly. What is the meaning of that? After he was convinced that the Muslims would not agree upon anything except partition of the country on the basis of majority Muslim areas being separated from the rest of the country, he tried to discover whether the Congress would so far modify their stand and agree that the areas that did not wish to

[1] *Vol. I, p. 12.*

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stand for unity should form a separate Constituent Assembly. The factor is the wishes of the people inhabiting such areas and the number of population and nothing else. He further said that the Congress 'stuck by the principle of non-coercion.' What is that? That means that no appreciable section of the population should be coerced into living in those areas where the other party may be in a majority. That is the principle of non-coercion. At least that is what it is always understood to mean even when proclaimed by the Congress.

Their argument is now based on the contention that it would be justifiable to coerce what has been called the "floating population" to live under a form of government under which they do not wish to live and that it would be justifiable to influence the poor sections of the community to live under a form of government under which they do not desire to live, but it would be unjustifiable to coerce even a smaller proportion of the population which bears either one character or the other. You must not coerce the banker; you must not coerce the Insurance Company Director or Manager; you must not coerce the landholder; you must not coerce the peasant and you must stop at the peasant and not go further. You may coerce the barber; you may coerce the carpenter and you may coerce the *mirasi*. They have formed for themselves large blocks of have-nots or have-littles who can be coerced but not those whom nature has favoured with a larger proportion of the things of the world. That is what the whole argument on the other side comes to. The Viceroy says 'I find that the Congress stood by the principle of non-coercion' and it is for the first time that we find what exactly that principle means from the counsel on behalf of the Congress! A person may with mental reservation employ certain expressions but if he knows that the other party who have put their faith in those expressions have attached one meaning to those expressions, he can subsequently say, 'Oh! but I did not mean it in that sense'. I do not mean to imply that that has never been done. It has on many occasions been done but how far it justifies itself, is for the Commission to judge.

Then the Viceroy said :

> ...any province or area which did not wish to come into the existing Constituent Assembly could form a separate Consti-

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tuent Assembly[1].

Now what does that mean? Any province or area which does not wish to come in the existing Constituent Assembly can form a separate Constituent Assembly. Was the word 'area' used to mean landed property? Was it used to mean commercial interests? Did it mean factory? No. The word 'area' was used to mean the population of that area, including all those interests and including everybody else.
And then he goes on to say :

> ... but they [the Congress] very naturally insisted that no large non-Muslim areas should be brought into the new Constituent Assembly[1].

Again the same principle, i.e., no large area in which the non-Muslims were in a majority, should be brought in Pakistan. I shall come *[sic]* later how this has to be determined.

Claims have been made from the other side by putting up maps showing red, yellow or green areas in which different communities are in majorities. The basis of that will have to be examined in detail at a later stage. At the present moment I am stressing my point that here again it is the factor of population that is being stressed not by the Viceroy but by the Congress. The Congress 'very naturally insisted that...' the argument was clear and easily understandable without any reservation and meaning only what the following words means, i.e.,

> no large non-Muslim areas should be brought into the new Constituent Assembly. When I spoke to Mr. Jinnah and the other Muslim League leaders on that point, they were, of course, as much distressed as were the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of course. The idea was that if Assam was to be partitioned, then Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated[1].

Again the same principle. Sylhet which obviously on the census figures had undoubtedly a Muslim majority, was left out beyond

[1] *Ibid.*

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dispute in this part of the sentence. The dispute or controversy is only with regard to the Muslim majority areas contiguous to Sylhet. Now within Sylhet there are large and even predominantly large non-Muslim commercial interests and a thin tongue territory coming from the other areas of Assam showing a majority of non-Muslims can be devised—as has been devised by the other side here so that either a portion or the whole of the Sylhet district would come within Assam. But my point is that Sylhet is to be beyond dispute and it is quite clear from the Viceroy's own words that to it will be added contiguous areas which have a definite Muslim majority.

Again, the factor is that of the population. In order to determine these matters "clearly the adult franchise plebiscite would be the democratic way". What would that plebiscite determine? Majority. It could not possibly determine anything else. It could not possibly determine commercial interests; it could not possibly determine landed property. The ideal would be adult franchise. Why has not that been adopted? The Viceroy might well have gone on to say, 'but that would leave out of account such other considerations as commercial and capital interests; ownership of industrial concerns and ownership of landed property. Therefore it was decided not to adopt that method'. The Viceroy said :

> But such a process was utterly impracticable at this moment when we wanted a very quick answer, and speed was the one thing which everybody desired[1].

That is why the notional division was devised, that is why these terms of reference were devised.

The Muslim League insisted upon partition, that is to say, separation of those provinces from the rest of India, which had a majority of Muslim population. The Congress said we do not want to coerce them if they do not want to come into our Constituent Assembly, but in the two provinces of Punjab and Bengal there are areas in which there is a majority of non-Muslim population. Why should they be coerced to go into the other Constituent Assembly? The Viceroy said the argument is unassailable. Mr. Jinnah then said there is some area in Assam in which the Muslims are in a

[1] *Ibid.*

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majority and the Viceroy said that that area shall be taken out from Assam. So all along population had been the chief consideration. The Viceroy has further illustrated it, that in order to ascertain as to which Constituent Assembly the areas would join and to demarcate the Muslim majority areas, the best method would have been plebiscite on adult franchise basis, but that was impracticable having regard to the consideration of speed, and that is why the scheme is as set out in the plan of His Majesty's Government.

In regard to the Sikhs the Viceroy says :

> There are two main parties to this plan—the Congress and the Muslim League, but another community much less numerous but of great importance—the Sikh community—have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas[1].

The request was made that the whole of the Punjab should not be given the choice of joining one Constituent Assembly or the other but that the province should be partitioned and the predominantly non-Muslim areas should be separated from the predominantly Muslim areas. Is there any other suggestion here or any other consideration being involved in the matter? This is the Sikh demand put forward on their behalf by the Congress and subsequently conveyed to His Excellency the Viceroy by a resolution. If the Viceroy misunderstood the Congress and the position as put by him was not correct then the Congress would have come forward and said that this is not what we conveyed to the Viceroy on behalf of the Sikhs, but the Congress has not said so. Nor have the Sikhs said that the Congress has misrepresented their demand to the Viceroy. Evidently the Congress attitude is what the Viceroy has himself said that the Congress had correctly reported to the Viceroy what the Sikhs had demanded.

The Viceroy then goes on to say that it was at the request of the Sikhs, 'that this division has been provided for'[1]. The conclusion

[1] *Vol. I, p. 13.*

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is inevitable that the division has to be between the predominantly Muslim majority areas and the predominantly non-Muslim majority areas of the province. The Viceroy says:

> I was not aware of all the details when this suggestion [to divide the Punjab] was made[1].

Then he studied the distribution of the Sikh population under the proposal put forward by the Congress on behalf of the Sikhs. That is to say, there must have been a definite suggestion as to what would be or what would not be the predominantly non-Muslim majority areas. It must have been made absolutely clear that you have got to draw a line somewhere between the two areas. The Viceroy was 'astounded to find that the plan which they had produced divided their community'—the Sikh community—'into two almost equal parts'[1]. If you take up the map of the Punjab which would demarcate a line between the predominantly Muslim and non-Muslim areas it would have the effect of dividing the Sikh community into almost two equal halves.

It is all very well to say that if you start from the confines of the province and carry on till the Chenab, to exclude the Jhang and the greater part of Multan districts and some other places, and if you carry on to Jullundur and exclude certain areas, you will find that the non-Muslims have a majority and it will also have the additional merit that 34 lakhs of the Sikhs out of 37½ lakhs in the British Punjab will be contained in that area. But if that had been the feasible interpretation of the plan that had been put to the Viceroy, why should the Viceroy at a later stage have been shocked?

> I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts[2].

That was their demand subject to the details being worked out by the Boundary Commission.

Then he goes on to say that:

> I have spent a great deal of time both out here and in England

[1] *Ibid.*
[2] *Ibid.*

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> in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle[1].

What is that principle? "Without departing from the broad and easily understood principle", that is to say that no substantial areas in which one community has a majority is to be transferred to that side of the Punjab where the other community would have a majority. That is the broad and easily understood principle, which he has reiterated so often already:

> whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other[1].

What did the other side demand? A division on the basis of population. What did the League concede reluctantly, in distress? Nevertheless they conceded. What was it that they conceded? They conceded the contention that the Punjab be divided on the basis of population. It says, 'without departing from the broad and easily understood principle, the principle which was demanded on the one side' [on behalf of the Congress] 'and was conceded by the other'—[the Muslim League]. He could not find that he could put any large majority of Sikhs on one side or the other, at any rate on the side on which they wanted to be put. If they wanted to be on the other side they need not have asked for division. Then he goes on to say, "I am not a miracle worker and I have not found that solution"[2]. For four days and a half a contention has been pressed on behalf of the other side that the solution is contained in paragraph 9 of the statement of His Majesty's Government of the 3rd of June[3]. The Viceroy speaking on the 4th of June with reference to that very paragraph says, "I am not a miracle worker and I have not found that solution[3]. In other words, paragraph 9 does not contain the solution. The Commission is asked to work that miracle. They might claim to be miracle workers. The Viceroy did not claim to be.

MR. JUSTICE DIN MUHAMMAD: The Chairman of the Commis-

[1] *Ibid.*
[2] *Ibid.*
[3] *Vol. I, p. 6.*

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sion might claim to be a miracle worker but not the members of the Commission. *(Laughter).*

SIR MUHAMMAD ZAFRULLAH KHAN: Sir, it is not for me either expressly or indirectly to imply that all of us here, the members of the Commission as well as the counsel and other eminent gentlemen that are present, are merely engaged in enacting a farce or a comedy. I presume that members of the Commission will have a very large, a very important and almost a vital part to play in the decision that might ultimately be arrived at. I am even assuming that the members of the Commission might be able to agree upon such broad principles that the intervention of the Chairman may not be necessary.

MR. JUSTICE DIN MUHAMMAD: We wish it may be so.

SIR MUHAMMAD ZAFRULLAH KHAN: However, I would deal with the Commission with as great respect and as great deference as if they were the final arbiters in this matter. The Viceroy said he is not a miracle worker and you are invited to work that miracle.

Then the Viceroy goes on to say that:

> ...the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the Plan. The Boundary Commission shall have representatives of all the parties[1].

The Viceroy said we are helpless in the matter. Had this partition been demanded by the Muslims or the Hindus, I could have resisted this demand on the ground that it would disrupt the valiant Sikh community whose good we all have at heart. But I was left with no choice in the matter. The Sikhs themselves have asked for partition. But on the basis on which they themselves asked for partition, I was astonished to find that they would be divided into almost equal halves. I did not despair even then both in this country as well as when I was in England. I tried to discover some solution of this difficulty. I am not a miracle worker and I have not been able to find that solution. That is to say that solution is not contained in paragraph 9[2]. But he says we have suggested that

[1] *Vol. I, p. 13.*
[2] *Vol. I, p. 6.*

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the communities should appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the plan. Now the terms of reference might have said that it does not matter whether the paragraph contains it or not, the Boundary Commission shall demarcate the boundaries of the two parts of the province on the basis of ascertaining the majority areas of Muslims and the majority areas of non-Muslims but in doing so it shall take into account the special position in which the Sikh community are placed and it will endeavour that by some feasible means or another a large majority of them should be put into the East Punjab. If there had been something of this kind, there would have been still some slender chance left. But the Viceroy has announced that the solution of the disruption and equal division of the Sikh community is not contained in paragraph 9[1]. He has given a definite warning that that is so.

One further sentence in continuation. He says that :

> So far as it is humanly possible there will be no interference or dictation by the British Government[2].

That is to say with regard to the drawing up of the terms of reference or with regard to the work of the Boundary Commission, "there will be no interference or dictation by the British Government"[2]. I have read out that sentence in view of Mr. Henderson's statement to which your attention was invited and to which I shall refer at a later stage.

After His Excellency the Viceroy had finished that part of the statement, in which he gives explanations of various parts of the statement, questions were put to him and he gave replies to those questions. One question was specifically put at this point. The question was :

> ...how to keep the integrity of the Sikh community intact. What is the provision that you have made in this plan to keep the integrity of the Sikh people intact[3] ?

That is an absolutely direct question. The answer is :

[1] *Ibid.*
[2] *Vol. I, p. 13.*
[3] *Vol. I, p. 19.*

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I must point out that the people who asked for the partition were the Sikhs[1].

The first reply to the question is, "I would not take into account the question of the integrity of the Sikhs for the reason that a partition of the province would destroy that integrity. Had either of the two parties asked for partition, I might reasonably have taken that question into consideration and refused partition but the Sikhs themselves have asked for the partition. Therefore the question of the integrity does not arise, for this reason that the very thing that they asked for, destroys that integrity. I may either concede their demand and thus concede the destruction of their integrity or refuse their demand. I am left with no choice". He said 'they asked for the partition; the partition would destroy their integrity'. He further says that the Congress took up their request and framed the resolution in the form they wanted. The Congress resolution is framed in that form. What did they want? They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. He said 'the Sikhs wanted this. This will be done. This will destroy their integrity. How can you blame me for that? I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock'. Why did the Viceroy suffer this tremendous shock? Because as he says, "I like the Sikhs, I am fond of them and I wish them well"[2]. 'Therefore this request of the Sikhs came to me as a tremendous shock, though they were themselves proposing something which would destroy their integrity. What was I to do? What choice was left to me? I could, however, preserve their integrity by refusing the demand for partition, had it come from the Congress or from the League. But the demand came from the Sikhs. It was based on a formula which would divide them equally. I wish them well. I saw that thereby they would be divided and obviously for a minority to be divided could bring them no advantage. The request therefore came to me as a tremendous shock'. "I started thinking out a formula to help them, but I am not a magician"[2]. Whether he declines to work a miracle or whether he declines to make magic, it is the same thing. Thus two things are incompatible. If you are to keep in mind the broad and

[1] *Ibid.*
[2] *Ibid.*

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easily understood principle that no substantial area where one community is in a majority is to be within that part of the province where the other would be in a majority and keeping that in mind you are to divide the province, the integrity of the Sikh community cannot be maintained. They would be divided into almost equal halves. The exact degree of how unequal the two halves would be, would be determined only when the Commission have drawn the line. But that is what it comes to.

MR. JUSTICE TEJA SINGH: He has said something more in that paragraph.

SIR MUHAMMAD ZAFRULLAH KHAN: I am coming to that. The rest of the paragraph runs as follows: "I believe that it is the Indians who have got to find out a solution," meaning that the division won't give it to them. He says that he is an ordinary human being. Then he says that it is the Indians who have got to find out the solution, meaning by Indians, the leaders among themselves or the communities among themselves who must find out a solution. I will show later that this is the meaning of what he said. Then he said, "You cannot expect the British to solve all your problems". 'I have gone as far as I could. I can only help you to arrive at the correct solution'—and he had tried and he had failed, that is to say, that partition should not be insisted upon or they must reconcile themselves to disruption and therefore to integrity being broken. "It is up to the Sikhs who are represented on the Committee to take up the case"[1]. He has referred to the Committee. What Committee? The Committee which was to frame the terms of reference. They will be represented on that Committee. He says :

> All that I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the Plan[2].

He says 'well now, what you can do among yourselves is that the Sikhs should take up this question before the Committee that is to draw up the terms of reference and on which committee they will be represented'. I have already suggested that was one of the solutions.

[1] *Ibid.*
[2] *Vol. I, p. 13.*

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MR. JUSTICE MEHR CHAND MAHAJAN: That does not mean the Commission?
SIR MUHAMMAD ZAFRULLAH KHAN: That does not mean the Commission.
MR. JUSTICE DIN MUHAMMAD: And of that Committee the Viceroy was the Chairman?
SIR MUHAMMAD ZAFRULLAH KHAN: Yes. "A lot can be done by a Chairman"[1]. He said he could do a lot in trying to bring the parties together and make them settle the terms of reference and put this and that Commission upon them but he cannot impose a decision on any one. 'If the other communities represented there do not accept them, what can I do and it is up to the Sikhs who are represented on the Committee, to take up the case'. Again he says :

> It is not I who is responsible for asking for partition. They are asking for partition, they have brought about this situation.

Paragraph 9[2] does not contain any solution.

MR. JUSTICE TEJA SINGH: The terms of reference which were framed with the approval of the Committee lay down that in ascertaining or in drawing the boundary line factors other than those on the population basis will be taken into consideration.
SIR MUHAMMAD ZAFRULLAH KHAN: So it is paragraph 9[1] which did not have solution of the disintegration of the community.
MR. JUSTICE TEJA SINGH: Do the 'other factors' mean the same thing in the terms of reference or something else?
SIR MUHAMMAD ZAFRULLAH KHAN: If in paragraph 9[2] 'other factors' meant keeping the integrity of the Sikh community together, why did the Viceroy say that he was unable to find a solution?
MR. JUSTICE TEJA SINGH: It was because at that time he was thinking on population basis. On population basis no solution could be found. It was only on consideration of other factors that a satisfactory solution could be found.
SIR MUHAMMAD ZAFRULLAH KHAN: I have no means of

[1] *Vol. I, p. 19.*
[2] *Vol. I, p. 6.*

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knowing what he was thinking of at that time but I do know that paragraph 9[1] was before him. He was being questioned on the basis of that paragraph. He was asked, "What is the provision that you have made to keep the integrity of the Sikh people intact"[2]. If what was in his mind was that you suggest at this moment, he would have said 'I have made provision for keeping the integrity of the Sikh community together'. The paragraph says, "It [the Boundary Commission] will also be instructed to take into account other factors"[1]. If that had been the meaning of "take into account other factors" why did he not say so? He says, "I have not found that solution"[3], that is to say, that solution is not contained in paragraph 9[1], that is to say, other factors did not provide that solution. The words were there all right. If he was thinking only of the population factor, he could in the course of this long thing have said, 'I have forgotten, but we have made provision for the Sikhs'. In answering to the questions of representatives of the press he said, 'I have been troubled by this matter both here, and in England and I have not been able to find a solution'.

If a solution had been found in these words 'shall take into account other factors' he would have said 'But eventually we found this solution that though we let the Muslim League and other people believe that it was the population factor that would matter, we slipped in the term quietly in paragraph 9 to the effect that other factors should be taken into account and other factors also include keeping intact the integrity of the Sikh community'. He says 'you cannot expect me to solve all your problems'. He says 'I can only help you to arrive at the correct solution. I am the Chairman of the Committee that is to settle the terms of reference, a lot may be done by me through making suggestions, trying to bring parties together, proposing drafts of terms of reference which they might be invited to accept, but I cannot impose a decision on any one, it has to be accepted by everybody. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I, who am *[sic]* responsible for asking for the partition'. Then as I have said, he is genuinely sympathetic, he is genuinely troubled, he is anxious to find a solution if one can

[1] *Ibid.*
[2] *Vol. I, p. 19.*
[3] *Vol. I, p. 13.*

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be found in this triangle of difficulties which was not easy to solve. He says he has not found them, thereby meaning that it is not contained in paragraph 9. 'The only way of doing something in the matter is for this Committee of which I am the Chairman, on which Sikhs are represented and in which they can take up this question'. And he expresses sympathy again towards the end. He says :

> I would like to conclude with one more word. I am really sincere in my desire to help the Sikhs. I really believe that the leaders of both the parties are equally sincere and intend to do what they can to help them. In fact I think there will be a revolution in feeling; whereas before there was mistrust and strife. I think we are going to see the leaders come together in a friendly spirit of co-operation[1].

He says that he has tried every means and he cannot find a solution; either there will be no partition in which case the Sikhs will be left intact or there will be partition in which case they are bound to be disintegrated but the solution is this. He has indicated one hope that the question might be taken up in the Committee which is to settle the terms of reference and it might be possible to give a directive, to add a rider to the terms of reference which would put the matter beyond doubt and lay it as duty upon the Boundary Commission to have regard to the integrity of the Sikh community.

Now we come to the terms of reference. The terms of reference for the Punjab are :

> The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims[2].

That sentence is exactly the same as in paragraph 9[3]. The terms of reference further say, "In doing so it will also take into account other factors". Now apart from the interpretation which is placed thereon, whether the term "in doing so" relates to demarcation or

[1] *Vol. I, p. 25.*
[2] *Vol. I, pp. 80-81.*
[3] *i.e. para 9 of H. M. G's Statement (Vol. I, p. 6).*

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relates to ascertainment, there may be difference between the Congress case and the Sikh case, but it would not be a material difference.

MR. JUSTICE DIN MUHAMMAD: It is very material.

SIR MUHAMMAD ZAFRULLAH KHAN: There is difference. I do not know whether it is mentioned in the Congress Memorandum or not, but Mr. Setalvad said that the term "in doing so"[1] relates to the demarcation of boundaries[2] and Sardar Harnam Singh contended that this term relates to ascertainment of areas[3]. I will come to that later.

But so far as the terms of reference are concerned, they are narrower than paragraph 9[4]. Paragraph 9 instead of being enlarged to contain something more, as I have already submitted, did not contain a solution for keeping the integrity of the Sikh community. It has been cut down. It may be that it was cut down in consequence of the suggestion thrown out by the Viceroy in his press conference. He might suggest that it was for the Sikh community to take up the matter with the Committee that was to settle the terms of reference. I do not know whether they took up the matter or not, but it might well be that one of the other communities, almost certainly the Muslim League, may have been warned and may have been on their guard with regard to the settlement of the terms of reference that no loophole should be left and that the terms of reference mean nothing beyond and in addition to what the Viceroy had said 'they mean' or had said 'they did not mean'. In paragraph 9 it is said that it would also be instructed to take into account other factors.

MR. JUSTICE TEJA SINGH: Is it then your case that the terms of reference are narrower?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes.

MR. JUSTICE TEJA SINGH: Had the Viceroy any power to restrict the authority of this Commission?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, it was stated in paragraph 9 that the terms of reference would be settled in consultation with the interests concerned.

MR. JUSTICE TEJA SINGH: In accordance with the provisions

[1] *Vol. I, p. 81.*
[2] *p. 4, supra.*
[3] *P. 106, supra.*
[4] *i.e. para 9 of H. M. G's Statement (Vol. I, p. 6).*

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of paragraph 2 to 8 of the statement of His Majesty's Government dated the 3rd June[1], the appointment of this Commission has taken place.

SIR MUHAMMAD ZAFRULLAH KHAN: My submission is that paragraph 9 lays down the functions of the Boundary Commission.

MR. JUSTICE MEHR CHAND MAHAJAN: It would facilitate the matter if you just define to what extent the terms of reference are narrow.

SIR MUHAMMAD ZAFRULLAH KHAN: I was proceeding to do so but was bound to answer the questions put by the other member of the Commission. I have said that the Viceroy had interpreted the terms of reference, as paragraph 9 did mean that it did not provide a solution of this particular difficulty. He had left a hope floating in the air that the matter could be taken up in the Committee which was to settle the terms of reference. In the Committee which was to settle the terms of reference, one party might have been anxious to enlarge the terms of reference so as to include the factor which was not capable of being read into the terms of paragraph 9, and the other community might have been anxious to exclude anything further being introduced into the terms of reference which the language of paragraph 9 was not capable of bearing. Therefore the terms of reference, when they were issued from that Committee, would read as if they meant no more than what the Viceroy had said they meant. I do not say that there was something contained in paragraph 9 and it has been knocked out by the terms of reference. I submit that in order to make the purpose and the meaning of this paragraph more definite and in order still to continue to restrict it in the manner in which the Viceroy said it was restricted, the opening words of the second sentence were illustrated. Instead of saying "it will also be instructed to take into account..." it reads "in doing so...," that is to say, in demarcating the boundaries. I am not saying that there was something in paragraph 9 which the terms of reference have excluded.

MR. JUSTICE TEJA SINGH: What is the difference?

SIR MUHAMMAD ZAFRULLAH KHAN: Without any distinction the terms of reference mean no more than paragraph 9, and therefore the solution that the Viceroy had suggested was that

[1] *Vol. I, pp. 4-6.*

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effort might have been made to give wider meaning to these terms of reference. But nothing was done by the Committee and nothing is contained in the terms of reference which is capable of giving wider meaning to the wordings of paragraph 9 than the meaning which the Viceroy assigned to it and whatever that meaning may be, it certainly had made one aspect perfectly clear over and over again and that is that 'other factors' do not provide a solution which would enable the Commission to keep the integrity of the Sikh community together and to take that factor into account; otherwise in answer to a direct question put to him by one of the press representatives, 'what have you done to provide for the integrity of the Sikh community', he would have said 'other factors cover that matter'.

What was the Congress resolution that was put before the Viceroy? It appears in the *Tribune*, dated the 9th March, 1947. It says[1] :

> During the past seven months India has witnessed many horrors and tragedies which have been enacted in the attempt to gain political ends by brutal violence, murder and coercion. These attempts have failed, as all such attempts must fail, and have only led to greater violence and carnage.
>
> The Punjab, which had thus far escaped this contagion, became six weeks ago the scene of an agitation, supported by some people in high authority, to coerce and break a popular Ministry which could not be attacked by constitutional methods. A measure of success attended this, and an attempt was made to form a Ministry dominated by the group that led the agitation. This was bitterly resented and has resulted in increased and widespread violence. There has been an orgy of murder and arson and Amritsar and Multan have been scenes of horror and devastation.
>
> These tragic events have demonstrated that there can be no settlement of the problem in the Punjab by violence and coercion, and that no arrangement based on coercion can last. Therefore, it is necessary to find a way out which involves the least amount of compulsion. This would necessitate a division of the Punjab into two Provinces, so that the predominantly

[1] *Vol. I, p. 220.*

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Muslim part may be separated from the predominantly non-Muslim part.

The Working Committee commend this solution, which should work to the advantage of all the communities concerned, and lessen the friction and fear and suspicion of each other. The Committee earnestly appeal to the people of the Punjab to put an end to the killing and brutality that are going on and to face the tragic situation, determined to find a solution which does not involve compulsion of any major group and which will effectively remove the causes of friction.

This is the whole resolution.

Now there is one very important matter to which I would like to refer before I proceed further with the main case. Mr. Setalvad, while arguing his case, made a reference to a statement of Mr. Henderson in the House of Commons. The House was in Committee over the Indian Independence Bill and was considering its clauses in Committee. The point in regard to the terms of reference whether by way of negotiations between different parties or in submission to the Viceroy or the Viceroy himself was really irrelevant, but what was said by persons in authority subsequent to the settlement of the terms of reference was considered as a sort of directive to the Commission to interpret the terms of reference according to the statement of those persons. I join issue with both the parts of that statement.

Whereas whatever might have been said by the parties or their members with regard to anything at any time may or may not, according to its context and authority behind it, be binding upon the parties or be of value to the Commission, what was said by the Viceroy in the three documents to which I have drawn attention is as binding upon the Commission as their terms of reference are, unless it was subsequently modified. And why? In the first place the Viceroy was an author or at least a co-author of the whole scheme which is now known as the scheme of the 3rd June or Mountbatten Plan. He explained the whole scheme to the nation and it was on the faith of that interpretation that the parties accepted the terms of reference. If the Viceroy said that at this stage this is what the terms of reference mean, they must be taken to mean only that much, and if the Viceroy said that this is what they do not mean they must be taken not to mean it.

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But then came the stage of settling the terms of reference which were to be settled in consultation between and—as it appears from the Viceroy's observations in the press conference—in agreement between the different parties. He said that 'a Chairman could do a lot but he could not impose a decision on any party.' The Viceroy no doubt said that if there were differences he would try to persuade the parties to come nearer. It clearly shows that the terms of reference were ultimately settled by agreement of the parties and the Boundary Commission was appointed with a certain procedure, of which now we are aware, to proceed to demarcate the boundaries in accordance with these terms of reference. The Commission, I believe, is the only authority that can have any say in the matter of the interpretation of the terms of reference. No person of whatever authority, however exalted his position, had anything to do thereafter with the interpretation of the terms of reference in the sense that such an interpretation could have no weight whatsoever with the Commission. It matters not whether after that date it was the Viceroy or it was the Prime Minister or it was the Secretary of State or it was the Under-Secretary of State or any other person in authority who chose to say something in regard to what any portion of the terms of reference may mean.
MR. JUSTICE MEHR CHAND MAHAJAN: Can the terms of reference be interpreted before they are enunciated?
SIR MUHAMMAD ZAFRULLAH KHAN: I stand corrected. I did not mean the terms of reference; I meant the way in which His Majesty's Government's Statement was interpreted and it was on the basis of that interpretation that an identical phraseology employed in paragraph 9, subject to the alteration to which I have drawn attention, was adopted as terms of reference. The Viceroy had not in advance interpreted the terms of reference; he had interpreted paragraph 9. When the parties found that the safest thing was to adopt the phraseology of paragraph 9 with slight difference, nobody except the Commission was concerned with their interpretation.

Mr. Henderson must be presumed to have had a good deal of Parliamentary experience but apparently he has not much experience of a judicial or quasi-judicial nature. Whatever he said, I am willing to concede, he did not intend consciously to interpret for the Commission their terms of reference. As a matter of fact what

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he actually said appears to be perfectly clear but even then he was in the heat of debate and was betrayed into expressing an opinion, an opinion naturally irrelevant and utterly valueless, an opinion without any weight whatsoever. He would have been much wiser if he had said nothing on the matter or if he had said, 'Well, this now appears in the terms of reference, it is something the Commission would have to interpret. I am not at liberty to say what it would be'.

But the indications are that what he said appears to be somewhat different from what was reported in the press. This is a telegram from the Private Secretary to the Viceroy. We had put in an application that the Viceroy[1] should be requested to make available to the Commission any communication that may have passed between him and the Secretary of State or the UnderSecretary of State or any other authority in Whitehall, with reference to Mr. Henderson's statement in the House of Commons in connection with this matter. This telegram is related to that request. It says:

> Reference your telegram, dated 22nd July, Mr. Henderson's reference to Boundry Commission's terms in the House of Commons on the 14th July.
>
> 2. Mr. Henderson's remarks were wrongly reported in the Indian press. The relevant passage from his speech is as follows:— *Begins:* The provision that 'other factors' will be taken into account has been made by Prime Minister to enable the Commission to have regard to special circumstances of Sikh community in Punjab where considerations such as location of their religious shrines can reasonably be taken into account up to a point. I would, however, emphasize to Committee that it is for Commission itself to decide what are 'other factors' and how much importance should be attached to all or any of them. *Ends.*
> 3. Regret must claim privilege for correspondence between Viceroy and Secretary of State or Under-Secretary of State but this has been made available to Sir Cyril Radcliffe who will show it in confidence to his colleagues[2].

[1] *Actually it was a letter from Mamdot to Radcliffe; see Vol. I, p. 195.*
[2] *Vol. I, p. 222.*

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So what passed between the Viceroy and Whitehall will be made available to the Commission and they will be able to judge how much Mr. Henderson was in order to refer to the terms of reference. It is for Commission and for the Commission alone to interpret these terms of reference and as to what 'other factors' mean.

Sir, when the Muslim League agreed to these terms, it was made perfectly clear to the Viceroy that the 'other factors' should not authorise the Commission to find a solution with regard to the integrity of the Sikh community. Sir, you have before you the whole history of the demand and the counter-demand for the division of India and for the partitioning of the Punjab. You are now aware what was the basis of the demand for the division of the Punjab, what was the basis on which it was put forward, what was the glaring consequence of that basis that struck the Viceroy, that astounded him and gave him a tremendous shock and the factor for which he was unable to find a solution and for which he said on the 4th of June, after he had explained paragraph 5 *[sic]*[1] that he was unable to find a solution and he threw out a suggestion that the matter be taken up by the Sikh community before the Committee which was to decide the terms of reference. I submit that the intention of the Boundary Commission is therefore to demarcate the boundaries of the two parts of the province on the basis of ascertaining the majority areas of Muslims and the majority areas of non-Muslims.

Mr. Setalvad has said in the Congress Memorandum that "in doing so" means in demarcating the boundaries. That is what we on this side also say that in demarcating the boundaries the Commission shall also take into account other factors. At this stage there is no difference between the Congress interpretation of "in doing so" and the Muslim League interpretation which is the same.

But there is a difference between our interpretation and that of the Sikhs. S. Harnam Singh's contention is that "in doing so" means that in ascertaining the majority areas of Muslims and non-Muslims you will take into account other factors. How that can be done, I am unable to understand. In the first place the plain language is not capable of bearing that meaning. The second sentence says 'In doing so they will also take into account other

[1] *Probably para 9 of H. M. G's Statement is meant; see Vol. I, p. 6.*

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factors'[1]. If they had been asked in the first sentence merely to ascertain the majority and non-majority areas of Muslims and non-Muslims, then the interpretation of S. Harnam Singh would have been correct. What they have been asked to do or instructed to do is to 'demarcate the boundaries' between the two parts of the province on the basis of ascertaining the Muslim majority areas and non-Muslim majority areas. They do so in order to discover the basis for demarcation. But what they are asked to do is to 'demarcate' and in doing what they are asked to do, that is to say in 'demarcating', they shall also take into account other factors, so that whatever argument S. Harnam Singh was anxious to build on "in doing so" being related back to 'ascertaining' and not relating back to 'demarcating', I am afraid, would not be justified on the plain language of the two clauses.

They are first to 'demarcate' that is to say they are first to determine the basis, determine the majority areas and non-majority areas—majority areas of Muslims and majority areas of non-Muslims—and having done so they shall proceed to demarcate boundaries on that basis. If in demarcating boundaries on that basis they encounter or if the boundary encounters some factors which must be taken into account, they shall so take them into account that, in the words of the Viceroy, 'in each area in which one community has a majority, that community is not coerced to live against its will under a government in which another community has a majority.' In the words of the Viceroy—(I am again quoting from his broadcast) so as not to leave a substantial area in which a community has a majority under the government of the other[2].

These are the two principles that necessitated a decision with regard to the division of the province. He says these are the two principles which could not be overridden. Then, as I have already drawn attention of the Commission to his press conference, he says that the broad and easily understood principle cannot be contravened, that no solution is to be adopted which contravenes 'the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other'[3],

[1] *Vol. I, p. 81.*
[2] *Vol. I, pp. 1-2.*
[3] *Vol. I, p. 13.*

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that is to say, that the majority areas of non-Muslim and majority areas of Muslims are to be separted from each other. That is the function of the Commission and that is the operation of 'other factors'.

The Commission no doubt determines what other factors shall be reasonably taken into account. The Commission will no doubt determine them and take them into account, but in consequence of taking any of these factors into account the boundary must not be so modified as to put any substantial area on one side or compel any substantial portion of one community to live under a government of another community, but in determining these areas they will have regard to two matters: these areas must be contiguous majority areas of Muslims and of non-Muslims. The terms make that perfectly clear. What you have to determine is not only majority areas but that they must be contiguous. The application of the term 'contiguous' I shall come to later on, but it is obvious that element of contiguity here means that you are not to divide the province into a series of pockets on one side or the other.

I entirely agree with Mr. Setalvad and with S. Harnam Singh in their submission to the Commission that the task of the Boundary Commission is to draw a boundary between two states and not as one of the members of the Commission observed, to weave a carpet. That is why the element of contiguity has been made absolutely essential, a part of the terms of reference. Obviously if areas assigned to East Punjab under the boundary line that may be adopted must be contiguous to the rest of India and to each other, and if the contiguity should not be broken between the parts that go to the East Punjab, the same consideration must apply to the other side. Whichever way you proceed you first determine your strength, your measure or yardstick and in accordance with that yardstick or measure or standard you proceed first from one side and come to some conclusion, whether you proceed from the West where there is a Muslim majority or from the East.

MR. JUSTICE MEHR CHAND MAHAJAN: Will you solve one problem?

SIR MUHAMMAD ZAFRULLAH KHAN: I cannot solve any problem. I can only make submissions. It is for you to solve the problems. *(Laughter).*

MR. JUSTICE MEHR CHAND MAHAJAN: Supposing we arrive

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at a certain stage where we cannot work out either contiguity or majority, then?

SIR MUHAMMAD ZAFRULLAH KHAN: That is why I have submitted that you have first to bear in mind your standard, your measure, your yardstick. I will give illustrations to explain to you what I have in mind. The Muslim League demanded a division of India on the basis of provinces. They put forward that standard, that unit, that measure, that yardstick, and that would have given them the whole of the Punjab and the whole of Bengal, because they had an overall majority in these two provinces. The other side raised the question, 'that is all very well, but in these provinces there are areas which are contiguous to the rest of India, substantially large where the Muslims are not in a majority but the non-Muslims are in a majority. You must separate them'. Then it is obvious that a province can no longer be adopted as a unit. From our point of view it is unfortunate that it should be so. But that is so.

Then various submissions have been made on the basis of different considerations so far as even a standard or yardstick is concerned. Your attention has, for instance, been drawn to the populations of divisions. An analysis was put before you of the populations and the percentages of the population in the Ambala division. Then your attention was drawn to the analysis of the population of the Jullundur division.Thereafter Mr. Setalvad drew your attention to certain districts and smaller areas. I asked him whether he finished with divisions and he said he did not propose to go on with the others. I do not make a grievance of it. It is for the counsel themselves to decide the way in which to submit their arguments. But I wish to supplement that and I would give you the figures of the other three divisions. He finished with the Jullundur division.

Now let us take the Lahore division. The total population of the Lahore division is 72,18,001. Out of this the Muslim population is 41,99,658; Sikhs 14,42,006; Hindus 10,25,005; Scheduled Castes and Ad-Dharmis 1,96,505; Christians and others 3,54,827. Now the Muslims have a clear overall majority over all the others combined. The percentage of the numbers works out as follows[1]:

[1] *The correct percentages work out as follows :*
Muslims 58.18; Sikhs 19.98; Hindus 14.20; Scheduled Castes and Ad-Dharmis 2.72; Christians and others 4.92.

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Muslims 58.18; Sikhs 19.9; Hindus 14.32; Scheduled Castes and Ad-Dharmis 2.7; Christians and others 4.5.

Now take Multan division. The total population of the division (excluding the Baluch Trans-Frontier tract) is 63,25,571. Out of this the population of Muslims is 47,61,481 and the percentage is 76.99; Sikhs 5,18,621—percentage 8.14; Hindus 8,11,035—percentage 12.74; Scheduled Castes and Ad-Dharmis 1,41,801—percentage 1.14[1] Thus the Muslims have an overwhelming majority of 0.01 less than 77 per cent[2].

(At this stage the Commission rose for lunch and re-assembled at 2.00 pm.)

SIR MUHAMMAD ZAFRULLAH KHAN: When you rose I was giving you the figures of population according to Commissioners' divisions illustrating thereby what kind of questions you have to determine in order to ascertain contiguous majority areas of Muslims and contiguous majority areas of non-Muslims. I believe I finished with the Multan division figures. In Rawalpindi division the total population is 47,00,958. Out of this the Muslims are 40,20,141; the Sikhs are 2,34,071; the Hindus are 3,94,863; the Scheduled Castes are 19,807; the Ad-Dharmis 1,534 and the Christians and others are 30,542. The percentages[3] are:

Muslims	85.5 per cent	[85.52]
Sikhs	4.9 per cent	[5.02]
Hindus	8.4 per cent	[8.38]
Scheduled Castes and Ad-Dharmis	0.66 per cent	[.45]
Christian and Others	0.48 per cent	[0.64]

On the basis of that you will see that if the unit was to be the Commissioner's division, the Ambala and Jullundur divisions taken separately and together would have a majority of non-Muslims. The Rawalpindi, Multan and Lahore divisions taken separately and together would have a majority of Muslims. I will revert to the

[1] *The correct percentages are given below :*
Muslims 75.27; Sikhs 8.20; Hindus 12.82; Scheduled Castes and Ad-Dharmis 2.24.
[2] *Actually 75.27 per cent, as in footnote 1 above.*
[3] *The correct figures given in square brackets.*

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question as to what standard is to be adopted a little later. In answer to the question which one of the members of the Commission put to me, I submit that these figures would illustrate the kind of question that has to be determined at the outset by the Commission. When they proceed to ascertain the contiguous majority area of Muslims and non-Muslims, they must set themselves some standard, otherwise they will be faced with this position that in one sense, as I have already said, the whole province is a majority Muslim area; in another sense if you start from the West and proceed to the East, you would get somewhere into the Ambala division before the overall majority of Muslims would cease to be operative. You have the figures of the whole of the three divisions. Then I gave you the figures of Jullundur division. You will find that the Muslims are still in a majority. If you reverse the process and you start from the boundaries of the Delhi province and you carried on the basis of an overall non-Muslim majority you may not get to the Chenab as has been suggested on the other side. You would still have an overall majority of the Muslims *[sic]*[1] put together provided you exclude Jhang and the greater part of Multan district, but that is no way of determining the majority areas of Muslims or non-Muslims.

There is another problem that has arisen on the comparison of the two cases which are now before you. Exclude on the one side the Rawalpindi division which according to both cases is Muslim majority area. Exclude on the other side the greater part of the Ambala division which according to no case can form part of the West Punjab. Then you come to the area which is in dispute on both sides. If you took the population figures alone of that area, that is to say excluding the Rawalpindi division, excluding the greater part of Ambala division and even excluding the Kangra district, you will probably find that in this disputed area, if you took the whole of it together, the Muslims are in a majority, so that within the area that is claimed by both, the Muslims are in a majority. So you will have to determine at some stage of your deliberation what yardstick you are going to apply in order to determine what is or what is not a majority area of one community or the other. That is my reply to the question that was put.

MR. JUSTICE MEHR CHAND MAHAJAN: It does not meet

[1] *Should be non-Muslims.*

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the question that I want to ask. I say apply the yardstick. Supposing we apply the yardstick of a *zail* or a tehsil. We then arrive at a substantial area which on that yardstick is so intermixed that we cannot work out the contiguity.

SIR MUHAMMAD ZAFRULLAH KHAN: If you continue on the basis of a division or a district or a tehsil—may be that you may consider the boundary drawn on the basis of those standards undesirable or subject to modification for one reason or the other, but I do not think that intertwining of areas will arise. If you go below that standard you may fall in that difficulty. That is one fact which will influence your decision as to what standard or yardstick to adopt. If you adopt a lower standard, it will lead you to absurdity. So far as maps are concerned, obviously that standard is unsuitable. This consideration begins to apply when you have to draw the boundary between the states.

MR. JUSTICE MEHR CHAND MAHAJAN: If one uniform standard is applied, whatever it may be, division or district or tehsil or *zail* or revenue circle, would there be no overlapping?

SIR MUHAMMAD ZAFRULLAH KHAN: Then there may be a good deal of intertwining. If you adopt that standard there would be overlapping because with regard to the area within each unit—you adjudge it either a non-Muslim majority unit or a Muslim majority unit—if it is [not] contiguous to the other, you might get a belt of intertwining, if you get away from substantial standard.

Now reverting to my line of argument, I submit that with regard to other factors, only local factors can be taken into account; otherwise the Commission would be faced with the contravention of the overriding principles that I have already indicated. This is reinforced by two further considerations. If the other factors, whatever they may be, had an equal force along with the population factor—as has been pointed out certainly on behalf of my Sikh friends—or if they had an overiding force, as seems to be the contention of Sardar Harnam Singh with regard to certain parts of his case, then they would never have been insistent on persuading the Congress to pass a resolution for division and take up their case. Why were they forced to that necessity? Why could they not go to the Viceroy and say, 'on the basis of landed property, on the basis of our predominance in certain areas, on the basis of our past military service and the consequent grants made in regard to

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it, on the basis of integrity of the Sikh community having to be preserved and on the basis of the considerations to be paid to the location of our shrines, we want the province divided.' If these factors had at least as much force as the population factor and, much more so, if they had even greater force as contended by my friends opposite, then they could have formed a valid basis for asking for partition. But they were not made the basis at all for asking for partition. They found themselves under the necessity of persuading the Congress to take up this matter, because without joining the Hindu community and other non-Muslim communities they could not make out a case for the partition of the province on any reasonable basis at all. The other factors alone could not have justified their claim for partition. That is why the Sikh community did not put forward their case.

It was suggested on behalf of one of the learned members of the Commission that the Viceroy probably thought that other factors in paragraph 9[1] would cover these considerations to which I have just alluded. But the Viceroy's attention was drawn, not only to the matter of integration or disintegration of the Sikh community, but to the question of other factors. He was asked, "You had said the ultimate boundaries of the partitioned provinces would be 'almost certainly not identical' with those which have been provisionally adopted. Why"[2]? In reply, why did he not say, 'for the simple reason that the question of the location of Sikh shrines will have to be considered'. He did not say, 'for the simple reason that landed property interests of the Sikh community will have to be considered.' He did not say, 'for the simple reason that the very substantial commercial and industrial interests of the non-Muslims will have to be considered'. What he said was, "for the simple reason that in the district of Gurdaspur in the Punjab, the population ratio is 50.4 per cent Muslims"—they were not correct figures and have since been admitted to be 51.14 per cent, but for the purpose of illustration it does not matter—"and 49.6 per cent non-Mulsims. The difference is 0.8 per cent. You will see at once it is unlikely the Boundary Commission will place the whole of the district in the Muslim majority area"[3]. Here was an illustration of what may happen or what the Boundary Commission might do if

[1] *Vol. I, p. 6.*
[2] *Vol. I, pp. 136-37.*
[3] *Vol. I, p. 137.*

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they discover that in the Gurdaspur district there were or there was a contiguous majority areas or area of non-Muslims. They might, if after considering the whole thing they were of that view, allot it to the Eastern Punjab, or they might decide after considering the whole question to allot it to the Western Punjab, as the case may be.

Gurdaspur district has been specially dealt with by the other side. When I come to deal with their case, I will deal with what has been sought to be raised in regard to that district. What I am referring to at the moment is that the Viceroy gave an illustration of what might influence the Boundary Commission to alter the notional division. He could only think of the population factor which might operate to put one part of a district on one side and another part on the other side. The illustration given was based entirely upon the population factor. He went on to say, "Similarly, in a district in Bengal, the reverse is the case. It has a very small fraction of non-Muslim majority"[1], and according to the notional division a certain portion with a Muslim majority had been placed in West Bengal, but it would have to be placed in East Bengal.

Before I proceed further, I would like to draw your attention to one important point. All of us here, including the learned members of the Boundary Commission and counsel on both sides, are quite familiar with it but I consider it worth putting it on record. While proceeding to quote figures in regard to population, etc., you are aware that Muslims form one community and their definition implies that it is a positive definition as nobody can be included unless he is a Muslim. In regard to other communities their definition is a negative one, as it is not a definition of a community; it is all communities who are not included within the Muslims, i.e., Caste Hindus, Scheduled Caste Hindus; Sikhs, which include Jat Sikhs and non-Jat Sikhs—I would not have made this economic division but it has been stressed by S. Harnam Singh—Urban Sikhs and Mazhabi Sikhs, Jains, Ad-Dharmis, Christians and so on.

While dealing with the figures, you take the figures of one community on one side—solid homogeneous figures on one side—and on the other side the figures relating to all the other communities that are not Muslims. You will be pleased to remember

[1] *Ibid.*

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that yesterday there were two representatives of the Christian community who made submissions before you. I do not exactly remember what the concrete submissions by Mr. Bannerji were, but I assume that he wanted that a large proportion of Christians in the Punjab should be placed in the East Punjab. Dewan Bahadur S. P. Singha on the other hand was of a different view. I am not concerned with the reasons that actuated them to be of exactly opposite views because, if I may say so, that is their domestic concern. But what I want to point out is that one was an individual and the other was a representative. Before Mr. Bannerji made his submissions to the Commission one member of the Commission was pleased to put a question to him. That question had been conveyed to the Commission by, I believe, Mr. Datta and that question was designed to show that Mr. Bannerji had no authority at all to speak on behalf of the Christian community as a whole, or even on behalf of any section thereof. Mr. Bannerji's reply to that query from the Commission was that he would answer that question in the course of his submissions. I waited right to the end of his speech to learn what that answer would be but he did not say a word about that. The only inference that can be drawn is that the answer to the question if furnished by him would have been unfavourable to him. On the other hand the memorandum presented by Dewan Bahadur S. P. Singha[1] clearly showed that that was put on behalf of the Christian community as a whole or in other words, Mr. Singha was before the Commission in a representative character. I do not think anybody can contend that the position with regard to the Christian community is different from what I have just now submitted. If that is so, I submit that in coming to your conclusions with regard to the particular area you will please add the number of Christians to the number of Muslims and not to the non-Muslims.

Now I will go on with my submission as to 'contiguity' and I would submit a preliminary observation for your consideration. The matter before you is not in any sense a piece of litigation, it is not a matter which you have to determine on the basis of pleadings and burdens of proof and other considerations that arise during the course of a litigation and are relevant to it. And I say so for this reason that you have, on the considerations on which your

[1] *S. No. 11 in the list appearing as Enclosure to No. 243 Vol. I, p. 475.*

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terms of reference are based, to determine a boundary. If you had to proceed on the strict legal basis, you may have to say the burden of proving each side's case is on that side. If one side fails to prove its case and the other side proves its case, then you may give a decree in the favour of the party which has proved its case.

MR. JUSTICE MEHR CHAND MEHAJAN: The burden is on us.

SIR MUHAMMAD ZAFRULLAH KHAN: Nor can you contemplate a possibility where you might find that both sides have failed to establish their case to the extent to which they have made a claim and therefore what happens is that you dismiss both sides' case and so the Commission is dissolved. You cannot do it. I say that not in any sense that I am faced with the weakness of my case nor that the case of the other side is very strong in demanding what they have claimed before this Commission but out of the consideration that the functions with which you have been entrusted and the duty that has been cast upon you is primarily your duty. The parties have been given a chance of placing their cases before you, yet it might have been that if exigencies of time were still more urgent, then the parties may only have been, and they have actually been, asked to submit material and leave it to the Commission to wade through it and make the best of it. I want to submit that both sides are here to assist you to arrive at a fair and just conclusion with regard to this heavy responsibility that has been laid upon you. The other side, I have no doubt, has done its best in that respect and I shall do my best, but it is for you to determine where the boundary should be. Whether you do it in consultation amongst yourselves or the Chairman does it himself, that is a different matter.

So much has incidentally been said already in regard to contiguity that I need not take very long on that point. I have tried to make it clear that the Commission should adopt some standard, otherwise large areas on both sides can be claimed, as in fact on the other side they have been claimed, as majority areas which even a most cursory examination of the map would show were not majority areas of that particular community. In selecting a standard that you apply, you will have to bear in mind the consideration urged with so much force on the other side and with which I respectfully associate myself that you have to draw a boundary between two states. It should be a workable boundary,

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it should be a boundary that is capable of performing functions or at least a greater part of the functions that a boundary between two states is designed to perform.

Now I have submitted that so far as the division of India was concerned, a standard could have been a province but that is no longer available because they have referred to the consideration, to which the Viceroy drew attention, and on which the division of this province was decided upon.

The next standard or unit could be a division. I have already given you the figures of 3 divisions which had not been supplied by the other side but which were already available to you. If the division were to be the standard, your task would be very easy so far as ascertaining of contiguous majority areas was concerned— Ambala and Jullundur would be non-Muslim majority areas and Lahore, Rawalpindi and Multan would be the Muslim majority areas.

Well, you may not adopt that as a unit. I do not know which way ultimately your mind will run on this matter. I therefore go on from the division to the district. Now the district was adopted as the unit for the basis of the notional division and you are already aware of the result of adopting that unit; 17 districts on the one side and 12 on the other. My learned friend criticised that particularly from the point of view of strategic considerations and considerations relating to the means of transport. He criticised the notional division on the considerations of transport by rail and road because he said a wedge of the Amritsar district into the west of Lahore division may make the boundary very difficult and there would be sorts of complications. There is that standard also and if you adopt that standard you find, subject to the considerations of other factors that might arise, you would be conforming to notional boundaries adopted in the scheme of the 3rd of June. But there are indications at least that it was not intended that ultimately the district should be adopted as a unit. One consideration is that if the district had been intended to be adopted as a unit, no difficulty would have arisen. There was no question of ascertaining majority districts of Muslims and majority districts of non-Muslims. This had for the purposes of notional division already been ascertained and the boundaries of a district were nowhere in dispute. The second consideration is that whatever it is

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worth, the Viceroy, as I have already said, was asked in what respect do you think that the boundaries may be different from the notional line? He replied that in a particular district or districts which the notional division assigns to one or the other side, there may be areas contiguous to the other side which may have a majority of the community which is a minority on this side and which would like to go over to the other side. That may or may not be binding on the Commission. I have nothing to say on that, but he was thinking that it was feasible that the Commission on consideration of the matter may decide to adopt some other unit. They may go higher and adopt division as a unit, they may go lower and adopt tehsil as a unit.

The next unit which is feasible is the tehsil. The tehsil, as members of the Commission and all of us here are aware, is the sub-division of the district. It is an administrative division with regard to which data is easily ascertainable, the boundaries of which are not at any single time in dispute or in doubt in the history of the Punjab at least. I have no doubt in the history of the other provinces the boundaries even of divisions have been altered from time to time; the boundaries of districts have been altered from time to time. New districts have been carved out of old districts. A typical instance is the creation of new districts as a result of the colonization of lands in certain parts of this province. Even occasionally for administrative purposes the boundaries of a district are altered and adjustments are made between neighbouring districts. The same may happen to tehsils. We were told only yesterday that out of the Mailsi tehsil of the Multan district, the Vihari tehsil had been carved out and was now a separate tehsil by itself. But at any particular moment of time it would not be difficult to ascertain either the boundaries of a tehsil or other data, population, and so on, which would be relevant to the investigation upon which the Commission is engaged.

If the Commissioner's division or the district is not to be a standard, then I submit that the tehsil is the only unit that will give a workable boundary. Anything below a tehsil in the first place will be found to have been liable to alteration on far less cogent considerations in the past than those on the basis of which tehsils and districts are created or altered in respect of their boundaries. The *zails* I believe very often go on changing. The

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boundaries of divisions and districts and tehsils are based upon administrative considerations and convenience, though occasionally, of course, other factors are also taken into consideration.

MR. JUSTICE DIN MUHAMMAD: The Chairman may not know what a *zail* or a thana is. While speaking of *zails* and thanas, will you just describe what they mean?

SIR MUHAMMAD ZAFRULLAH KHAN: A *zail* means a collection of villages in respect of which a *zaildar*, that is to say a rural leader is appointed or selected from that area and who is generally one of the leading landlords in that area to assist the administrative authorities in various miscellaneous matters. He is not an official but it would be difficult to run the kind of administrative machinery that was fixed for the Punjab without the co-operation of the *zaildars*, the *sufedposhes* and *lambardars* and other rural dignitaries.

MR. JUSTICE MEHR CHAND MAHAJAN: Is it right that these *zails* are more or less demarcated on communal lines?

SIR MUHAMMAD ZAFRULLAH KHAN: I do not know whether their demarcation is on communal lines, but when a vacancy occurs in the office, if I may so describe it, of *zaildar*—though it is not an office but it is only a dignity—communal considerations are raised on behalf of each candidate entitling him to be selected or appointed as *zaildar*. Tribal considerations also have often arisen. I have often known *zails* being described in the Collector's courts or in Commissioner's courts as Muslim *zails* or Sikh *zails*. They are not Muslim or Sikh *zails* in the sense that they belong to the Muslims or Hindus or Sikhs but because the preponderance or majority of landlords in it is either Muslim or Sikh or Hindu, as the case may be. The five matters that are laid down in the rules framed by the Financial Commissioners which ought to be taken into consideration in making this appointment, do not include the communal factor but that never stopped my learned friends from urging them whenever the question arose.

The considerations on which selection takes place are tribal and to what extent a particular candidate represents the majority of the predominant tribe or tribes within the *zail* and is in possession or in ownership of landed property within the *zail* and is free from indebtedness, his personal and family services.

MR. JUSTICE DIN MUHAMMAD: It depends generally on the

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inclinations of the officers making the appointment.

SIR MUHAMMAD ZAFRULLAH KHAN: The rule is that if a Collector has made a choice, it would not ordinarily be disturbed but if a Financial Commissioner sees that it is a matter of the long foot of the Chancellor *[sic]* and if a Financial Commissioner fancies a particular candidate more suitable by any reason, personal, communal or tribal, he is appointed. I have known of cases where the Collector appointed somebody. The other party appealed to the Commissioner. The appeal was dismissed. It then went up to the Financial Commissioner and the order of the Collector was upheld and subsequently a review petition was filed before the same Financial Commissioner and he reversed his own previous order. I will not worry you further on the vagaries of the village officers.

The *sufedposhes* and *lambardars* are the real dignitaries and come next in the order in the warrant of rural precedence. That is a *zail.* Occasionally the district authorities finding it convenient to transfer one set of villages from one *zail* to another or if it is desirable to do so, recommend and obtain the alteration. It is a matter of pure domestic administrative arrangement for the district officers and the Commissioners. *Qanungo* circles are made up of so many *patwari* circles. The *patwari* is a subordinate revenue official who is in charge of a group of villages which is known as his circle and his duty is to maintain the revenue records up-to-date. For instance, he makes six monthly entries in the revenue papers of possession and cultivation of each field within a circle. He enters up the amount of rent paid in respect of the field. A number of these *patwari* circles are grouped together to form a *qanungo* circle.

Then there is the thana. A thana is a police station. The extent of area within any particular police station depends upon local circumstances, mainly the prevalence or absence of crime of a serious nature in any particular area. Ordinarily the Station House Officer is incharge of a thana. He is a police officer of the rank of a sub-Inspector. He is assisted by other police officers of subordinate ranks to maintain the thana records and to take down information of crimes committed, not always immediately it is reported to them, though it is their duty to do it. But they still try to maintain some sort of record of these occurrences. There is also

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a small police force attached to each thana which assists the Station House Officer in at least attempting to maintain law and order within the boundaries of a thana. It is the duty of the staff of the thana to watch the irregular or illegal activities of persons of doubtful or suspicious character within the boundary limits of the thana. They certainly watch those activities, with what result or profit to the inhabitants of the thana or to themselves varies from thana to thana.

I was submitting that if you went beyond the tehsil and adopted any of these circles, a police circle, or a *qanungo* circle, or a *zail*, as your unit or your standard or your measure for the purpose of determining the contiguity, you will at least in about one-third of the total number of districts of the Punjab which lie in the Jullundur and Lahore divisions, get a very crazy pattern of the majority of thanas, majority of *zails* and majority of *qanungo* circles. I submit that it is for you to decide that the boundary that you get as a result of adopting a unit out of these categories would not satisfy the requirements of a boundary between two states. My submission therefore is that the only practicable unit that could be adopted for this purpose is a tehsil, if you are to go below a division and below a district. On this basis a brief explanation of the Muslim League case as put forward before the Commission on the 18th July in their memorandum[1] is this.

If you take the districts that have been included in the West Punjab under the notional division, you will find that with the solitary exception of the Pathankot tehsil, the Muslims have a majority in all the other tehsils included within the 17 districts, that is to say, in regard to the other three tehsils of the Gurdaspur district, viz., Shakargarh, Gurdaspur and Batala and in every tehsil of the remaining 16 districts.

You will find, however, that in the Ajnala tehsil of the Amritsar district, the Muslims have a majority. The figures are these :

Ajnala Tehsil of Amritsar District :	
Total population	2,37,049
Muslims	1,40,939
Sikhs	67,986
Hindus	13,215
Scheduled Castes	2,200
Nobody is entered as Ad-Dharmi	—
Christians (They run the Caste Hindus in this tehsil very closely).	12,709

[1] *Vol. I, p. 281.*

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The percentages are—

Muslims	59.5%
Sikhs	28.7%
Hindus	5.6%
Scheduled Castes	0.9%
Christians	5.3%

If the Muslims and Christians are counted together, the two together would form 64.8%.

So far as the twelve districts which have been included under the notional division in the East Punjab are concerned, the Muslims have a majority in the Jullundur and Nakodar tehsils of the Jullundur district and the Zira and Ferozepore tehsils of the Ferozepore district. These four tehsils are contiguous to each other and are also contiguous to other districts of the West Punjab. For instance, the Ferozepore tehsil is contiguous to Kasur tehsil of the Lahore district. Parts of Zira may also be contiguous. I am not on the map but I am explaining general features on behalf of the Muslim League. The figures for these four tehsils are these :

Jullundur tehsil

Total	4,43,010
Muslims	2,26,623
Sikhs	86,996
Hindus	64,121
Scheduled Castes and Ad-Dharmis	59,597
Christians and others	5,673

Percentages are—

Muslims	51.1%
Sikhs	19.6%
Hindus	14.6%
Scheduled Castes and Ad-Dharmis	13.5%
Christians and others	1.2%

If the Christians are counted along with the Muslims, the combined percentage would be 52.3.

Nakodar tehsil

Total population	2,28,783
Muslims	1,35,918
Sikhs	52,037
Hindus	20,269
Scheduled Castes and Ad-Dharmis	19,497
Christians and others	1,062

Percentages are—

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Muslims	59.4%
Sikhs	22.7%
Hindus	8.9%
Scheduled Castes, etc.	8.5%
Christians and others	0.5%

Total percentage of Muslims and Christians together is about 60 per cent.

Zira tehsil

Total population	2,10,819
Muslims	1,37,586
Sikhs	50,209
Hindus	11,662
Scheduled Castes and Ad-Dharmis	7,201
Christians and others	4,161

Percentages[1] are—

Muslims	65.6%
Sikhs	23.8%
Hindus	5.7%
Scheduled Castes, etc.	3.3%
Christians and others	1.6%

Muslims and Chritsians together are 67.2 per cent.

Total population of Ferozepore Tehsil is 2,90,286; and

Muslims	1,60,371
Sikhs	70,782
Hindus	42,357
Scheduled Castes and Ad-Dharmis	11,163
Christians	5,613

MR. JUSTICE MEHR CHAND MAHAJAN: You are claiming the whole tehsil up to Faridkot State territory?

SIR MUHAMMAD ZAFRULLAH KHAN: Excluding Nathana sub-tehsil. I will give you the figures later on. I might submit at this stage that this little bit has a majority of non-Muslims. So the exclusion of its figures from these would give a higher percentage of Muslims in the main part of the Ferozepore tehsil.

MR. JUSTICE MEHR CHAND MAHAJAN: If I am right in thinking, you are not claiming the whole tehsil, but a part of it.

SIR MUHAMMAD ZAFRULLAH KHAN: This part is divided

[1] *The correct percentages work out as under :*

Muslims	*65.26*
Sikhs	*23.81*
Hindus	*5.53*
Scheduled Castes and Ad-Dharmis	*3.42*
Christians and others	*1.98*

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from the main tehsil, the whole of which we are claiming up to Faridkot State territory. That bit lies miles away from the main tehsil.

MR. JUSTICE DIN MUHAMMAD: You are abandoning it for want of contiguity?

SIR MUHAMMAD ZAFRULLAH KHAN: The population of Nathana sub-tehsil, which has to be excluded from the population of the Ferozepore tehsil is 43,328, out of which Muslims are 6,056 and non-Muslims are 37,272[1]. Now the percentages of Ferozepore tehsil are[2] —

Muslims	55.2%
Sikhs	24.3%
Hindus	14.8%
Scheduled Castes and Ad-Dharmis	3.8%
Christians and others	1.9%
Muslims and Christians combined	57.1%

This is the whole tehsil including Nathana. We will work out net percentages after excluding Nathana sub-tehsil which would give a higher percentage of Muslims in the main tehsil.

Now for one moment may I draw your attention again to the Viceroy's press conference of the 4th June, 1947, where he discussed the question raised by Mr. Jinnah with regard to Assam[3]. On the question raised by Mr. Jinnah, the Viceroy said that he accepted that and that Sylhet and areas contiguous to it, in which Muslims have a definite majority, would be separated from Assam. The exact words are :

> When I spoke to Mr. Jinnah and the other Muslim League leaders on that point, they were, of course, as much distressed as were the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of course. The idea was that if Assam was to be partitioned, then

[1] *The figures of Nathana sub-tehsil could not be checked because the names of villages comprising the sub-tehsil have not been specified.*

[2] *The correct percentages of the Ferozepore tehsil work out as under :*

Muslims	*55.25*
Sikhs	*24.38*
Hindus	*14.59*
Scheduled Castes and Ad-Dharmis	*3.85*
Christians and others	*1.93*

[3] *Vol. I, p.12.*

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Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated[1].

That is to say, when you are taking one area out of a province and giving it to one part or the other on the basis of its being a majority area of one community, then obviously the mere fact of the administration line being at a certain place should not be—at least need not be—a bar to including the contiguous area in which there is a definite majority of the same community to the area having a majority of that community.

I will take the area which is contiguous to the Jullundur tehsil towards its east. It comprises a portion of Hoshiarpur and Dasuya tehsils. Part of the Hoshiarpur tehsil that has been included and is shaded green on the map[2] has a total population of 2,33,022 of which Muslims are 1,22,094; Sikhs are 36,397; Hindus are 37,794; Scheduled Castes and Ad-Dharmis are 35,203 and Christians are 1,534.

MR. JUSTICE MEHR CHAND MAHAJAN: What area have you taken as a unit?

SIR MUHAMMAD ZAFRULLAH KHAN: We have taken no unit.

MR. JUSTICE TEJA SINGH: Have you taken each village separately? Do I understand that you have taken a village as your unit?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes. For the purpose of calculating the population of an area, a village has been taken as a unit.

Hoshiarpur: total population 3,23,740, out of which Muslims are 1,45,985; Sikhs are 62,517; Hindus are 61,443; Scheduled Castes are 9,333; Ad-Dharmis are 32,904[3] and the Christians and others 1,558. Percentages are: Muslims 45.09, Sikhs 19.3, Hindus 19.0, Scheduled Castes and Ad-Dharmis 16.0, Christians and others 0.16, Muslims and Christians combined are 45.7 per cent[4].

[1] *Ibid.*

[2] *Map attached to the memorandum submitted by the Muslim League; see Vol. IV.*

[3] *The Correct figure is 42,904.*

[4] *The exact percentages will be as follows :*

Muslims	*45.09*
Sikhs	*19.31*
Hindus	*18.98*
Scheduled Castes and Ad-Dharmis	*16.14*
Christians and others	*0.48*
Muslims and Christians combined	*45.57*

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MR. JUSTICE MEHR CHAND MAHAJAN: If the tehsil of Hoshiarpur were taken as the starting point with a non-Muslim preponderance and we work down to tehsil Nakodar, would they be justified to touch that pocket which shows preponderance of the other community?

SIR MUHAMMAD ZAFRULLAH KHAN: I realize the difficulty. If a map were prepared on the same basis from the other side some of the areas in this tehsil might be shown yellow or red.

Population figures of part of Dasuya tehsil claimed—Total population 2,12,043; out of this Muslims are 1,23,272; Sikhs 34,480; Hindus 27,741; Scheduled Castes and Ad-Dharmis 21,495; Christians 5,054. Percentages are Muslims 58.14, Sikhs 16.26, Hindus 13.08, Scheduled Castes and Ad-Dharmis 10.14, Christians 2.38. Muslims and Christians combined 60.52.

Dasuya Tehsil—Total population 2,73,246; Muslims 1,32,105; Sikhs 40,509; Hindus 65,684; Scheduled Castes 7,158 and Ad-Dharmis in addition 22,730; Christians and others 5,060; out of this 326 are Jains. (Christians 4,732).

In this particular tehsil the total population of Muslims is in a slight minority, but the Muslims and the Christians combined are just above 50 per cent. That is why I deducted the number of Jains from the Christians. The total of Muslims and Christians would come to 1,36,837, just making a little over 50 per cent. Otherwise the percentages[1] are

Muslims	48.35%
Hindus	25.10%
Sikhs	14.60%
Scheduled Castes including Ad-Dharmis	10.90%
Christians, etc.	1.73%

This is the tehsil with regard to which one of the members of the Commission asked me the other day whether we claimed the whole of it or only a portion. I submitted that the Commission should take into consideration our submission that in this matter of ascertaining the wishes of the people as to which side they

[1] *The correct percentages work out as follows :*

Muslims	*48.35*
Hindus	*24.04*
Sikhs	*14.82*
Scheduled Castes and Ad-Dharmis	*10.94*
Christians and others	*1.85*

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desire to come, the Christians are to be counted with the Muslims in the whole of the tehsil. In that case we form the majority. But if the final demarcation is to be confined to Muslim majority areas without taking into account the wishes of the Christians, then we claim the portion shaded green in the map.

I then take the contiguous area of Ferozepore tehsil.

MR. JUSTICE TEJA SINGH: You do not claim any other part of the Hoshiarpur district?

MR. JUSTICE DIN MUHAMMAD: From the statement supplied to us it appears that you claim several parts of several tehsils.

SIR MUHAMMAD ZAFRULLAH KHAN: I am coming to that. This is the portion which is one block proceeding further from the Jullundur tehsil. I have taken the portion in continuation of the Ferozepore tehsil. The shaded area includes portions of the Fazilka and Muktsar tehsils. The population figures of the portion of Fazilka tehsil included are as follows :

Total population[1]	64,264
Muslims	48,275
Sikhs	8,966
Hindus	4,111
Scheduled Castes and Ad-Dharmis	2,447
Christians	465

The percentages are—

Muslims	75.12%
Sikhs	13.95%
Hindus	0.40%
Scheduled Castes and Ad-Dharmis	3.81%
Christians	0.72%
Muslims and Christians combined	75.84%

I will give you the figures of Fazilka—the whole tehsil.

Total population	3,72,629	
Muslims	1,61,286	43.3[2]%

[1] *The population and percentage figures of the portion of Fazilka tehsil claimed by the Muslim League could not be checked as these portions have not been defined.*

[2] *The total population to figure is the same (i.e., 3,72,629), as given on page 52 of the Census tables, but the community-wise figures, as given on pages 60-61, when added up, come to 3,71,629*

(Census of India, 1941, *Vol. VI* Punjab Tables (Delhi, *1941)*

Thus the correct percentage will be as follows :

Muslims	*43.40*
Sikhs	*19.04*
Hindus	*28.01*
Scheduled castes and Ad-Dharmis	*9.02*
Christians and Others	*0.52*
Muslims and Christians combined	*43.92*

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Sikhs	70,771	19.4%
Hindus	1,04,106	27.8%
Scheduled Castes	30,040	
Ad-Dharmis	3,504	8.9%
Christians and others	1,922	0.6%

The percentage of Muslims and Christians combined is 43.9.

MR. JUSTICE MEHR CHAND MAHAJAN: By your process 43 becomes 75?

SIR MUHAMMAD ZAFRULLAH KHAN: No. It does not become, because it is impossible for 43 to become 75, but in a tehsil in which the total population of the Muslims is 43.3 per cent, there is a contiguous area between majority Muslim tehsils, in which part of the tehsil the Muslims are 75 per cent.

MR. JUSTICE TEJA SINGH: If you start from south and go upwards?

SIR MUHAMMAD ZAFRULLAH KHAN: My answer to that question is still the same.

MR. JUSTICE DIN MUHAMMAD: The process is just the same by which a tehsil like Montgomery with 70 per cent Muslim population becomes a non-Muslim majority area?

SIR MUHAMMAD ZAFRULLAH KHAN: No. There is no contiguity to a compact area there in the case of the other side. Take Batala tehsil. Bits are left out at one end, bits are left out in the middle and other bits are taken. There is this distinction between the areas claimed by the particular method adopted by the other side and the areas claimed by the method adopted by this side. The areas claimed by us are contiguous and compact and have a majority.

MR. JUSTICE DIN MUHAMMAD: You have the virtue of contiguity?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes.

MR. JUSTICE MEHR CHAND MAHAJAN: Contiguity of the whole area, not of the villages?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, that is so, as I have said, on the same basis by which Sylhet and contiguous areas have been separated.

MR. JUSTICE MEHR CHAND MAHAJAN: There was a plebiscite there. If you want the same basis, have a plebiscite.

SIR MUHAMMAD ZAFRULLAH KHAN: I do not mind a plebiscite for the whole of the Punjab. The other day S. Harnam Singh said he would feel grateful to the Commission if they would

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recommend that the boundary of the East Punjab should be the Indus river. I am willing to accept that provided there is a plebiscite after such a boundary has been fixed to decide which way the East Punjab so constituted wants to go.

As I have already submitted, after we have finished our submissions, the Commission will have to find a way. The other side have put their case and I have put mine. I venture to claim that I shall be able to show that my claim at least proceeds upon some basis to be found in the terms of reference and in the manner in which the language of the terms of reference contained in paragraph 9[1] has been interpreted by the Viceroy. What results therefrom is your function rather than mine. But I do not think in my methods you will find the kind of magic that seems to have pervaded the methods submitted on the other side.

MR. SETALVAD: Not the same, but a different kind of magic !

SIR MUHAMMAD ZAFRULLAH KHAN: You are more adept in methods of magic than we are. That is why it is rightly said of the peasant in the Punjab that once he gets into debt, by no method he can get out of it.

BAKHSHI SIR TEK CHAND: Except through the Punjab Legislative Assembly !

(At this stage the Commission rose for the day to meet again on Monday, 28 July 1947 at 10.00 am, 27 July 1947 being a holiday.)

[1] *Vol. I, P. 6.*

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VII

28 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Monday, 28 July 1947 at 10.00 am.)

LIST OF SIKH GURDWARAS PRODUCED

SARDAR HARNAM SINGH : Mr. Justice Muhammad Munir asked me[1] to file before the Commission a list of the important Sikh gurdwaras in the Punjab[2] connected with the memory of the Sikh Gurus. I am filing five copies. I have given a copy of this list to the other side.

ARGUMENTS OF THE MUSLIM LEAGUE—*Contd.*

SIR MUHAMMAD ZAFRULLAH KHAN: Honourable members of the Commission, I find that on Saturday I fell a good deal behind the time schedule that I had roughly chalked out for myself owing mainly to the fact that it takes a good deal of time to give figures of different areas, numbers and percentages when they have to be noted down by the members of the Commission and my friends on the other side. I have therefore had these tables copied out. The first table which I will ask for your permission to submit is a statement showing the population and areas of parts of tehsils claimed[3] in the Muslim League Memorandum. I have got here four copies for the use of the Commission but will hand over the fifth later on which may be transmitted to the Chairman and here is a copy for the other side. The total also gives area in square miles, as desired by the Commission, opposite to the name of each tehsil.

[1] *p. 165 supra.*
[2] *Appendix III, infra.*
[3] *Appendix IV, infra.*

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You will find, however, that there are two tehsils in the extreme south-east of the Punjab in the Gurgaon district, Nuh and Ferozepore Jhirka in which also there is a Muslim majority. In the case of Nuh there is a Muslim majority of 57.9% out of a total population of 1,47,649. I may submit the tables[1] of these also so that you need not take the trouble of noting it down. In the case of Ferozepore Jhirka there is a Muslim majority of 78.79 per cent out of a total population of 1,23,743. I submit five copies for the members of the Commission and I have handed over one to my friends on the other side. These two tehsils, although containing a majority of Muslims, are not included in the Muslim League claim as they lack contiguity with the rest of the Muslim majority area and in spite of that majority and the very strong Muslim feelings that exist in that part of the Punjab, the Muslims must reconcile themselves leaving these two tehsils out of their claim and thus be in the Eastern Punjab. I may submit here that we on our side also have tried to work out whether, by linking up majority areas which are scattered all through Sirsa, Hissar and then on to Gurgaon and on the other side also to Ambala, we cannot show a contiguous majority area down to Ferozepore Jhirka and Nuh tehsils and by employing the device which the other side have employed in working out a similar map, it has been quite possible to construct a map on that basis. That map is ready but will be submitted in due course when I come to criticise the maps submitted on that basis by the other side. We base no claim on that map, but that map will illustrate the absurdity of colouring portions of areas in different districts or tehsils by just extending one's majority as far as it will continue above 50 per cent by inclusion of the majority areas.

This brings me to the position of Amritsar and Tarn Taran tehsils. In these two tehsils singly as well as collectively the non-Muslims have a majority. I shall presently submit the table. These are therefore non-Muslim majority tehsils. If they were to satisfy the requirements of contiguity, it could be claimed that they should go with East Punjab. My submission is that they lack contiguity. The Muslim population in these two tehsils together is 43.91 per cent. At the moment I am able to submit a table of the population of these two tehsils[2] and I give one copy to the other

[1] *Appendix V, infra.*
[2] *Appendix VI, infra.*

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side for their reference. Here, too, we have a map ready which will be submitted later on, in which by following the device adopted by the other side, it can be shown that the greater part of this area is a Muslim majority area, that is to say, by omitting the city of Amritsar, thana of so and so and *zail* of so and so, the rest is all green, but that argument I shall submit in due course. I have submitted that these two tehsils, if they possessed contiguity with the East Punjab, would be entitled to be included in East Punjab, but they lack contiguity. They are a pocket thus of Muslim majority area.

If you will kindly turn to the map[1] which has been presented along with the Muslim League Memorandum, you will observe that the position is this. This yellow area formed by Amritsar and Tarn Taran has on its three British sides Batala tehsil which is a Muslim majority area, Ajnala tehsil which is a Muslim majority area and Kasur tehsil which again is a Muslim majority area. Towards the south of this, it is bounded by the main block of Kapurthala State. Kapurthala is divided into 3 blocks, the main block which lies along the Beas and then Phagwara block which is on the other side of the Jullundur tehsil and then there is a small part called Banga. Even in the total population of Kapurthala the Muslims have a majority, that is to say, including the population of all the three blocks. But I am not concerned purposely for the present with the two smaller blocks that are cut off from the main block. For the purpose of the present part of my argument I will draw your attention to the main block of Kapurthala State, which has 3 tehsils, Kapurthala, Sultanpur and Bholath. In this main block the distribution of population is 64.51 per cent Muslims and the rest non-Muslims all combined. I have distribution tehsil-wise also and I shall hand over these tables[2] so that the Commission may examine the details of population in each tehsil if it so desires, but I do not think anything turns upon the analysis of population in each of the tehsils in this main block.

The first question on this part of the case is, what is Kapurthala to be regarded for the purposes of partition? Is it a Muslim majority area, is it a non-Muslim majority area, or is it to be left out of account altogether being an Indian state and not being a part of

[1] *Vol. IV.*
[2] *Appendix VII, infra*

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the British Punjab. I submit that on no interpretation of the terms 'Muslim majority area' or a 'non-Muslim majority area' could this part or the whole block of the state be described as a non-Muslim majority area. There is, of course, this fact that His Highness the Ruler of Kapurthala is a non-Muslim, but that cannot be interpreted as meaning that the territory has a majority of non-Muslims. So long as the Commission proceeds on the basis of population, it is bound to hold that this area, if it has to be taken into consideration, is a Muslim majority area. True, indication so far is that His Highness has decided to join the Indian Constituent Assembly but it does not follow that the state will eventually join the Indian Union. It has been made perfectly clear on behalf of the states that they will come to a final decision on this question only after they see a complete picture of the constitution as it may be evolved by the Constituent Assembly. So nothing can at the moment turn on that. As I have said, if the population factor is to determine the question, the majority of population is undoubtedly Muslim. Therefore these two tehsils, Amritsar and Tarn Taran, are blocked on that side by a Muslim majority area.

It may be argued that the Commission is not concerned with the Indian states, that it is concerned only with the division of the British Punjab. My first answer to that is that it is true that they are not concerned with the Indian states, that is to say they cannot proceed with the partition of states or to allot any portion of a state to one side or the other. They have no such jurisdiction nor has anybody. Wherever the boundary line may be drawn, the state area will continue to be the state area. But in drawing the boundary line, if the Commission have to proceed upon the population basis and they have to decide the question of contiguity, that is to say, whether a particular area is contiguous to any other majority area of the same community, and they find that it is blocked by a majority area of the other community, then I submit the question whether that last area blocks the first one or it is or it is not British is not relevant.

But assuming that that question is relevant, then all that can be done is that the main block of Kapurthala should be left out of account. How can it be left out of account? The only way is that the white portion should be ignored altogether as if it did not exist. And if it does not exist altogether, then what is the posi-

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tion? Then the position is that the two tehsils of Amritsar and Tarn Taran are blocked by the Muslim majority tehsils of Nakodar, Jullundur, Dasuya, and possibly a small portion of the Zira tehsil. With regard to Dasuya the position is this. Without raising any complications of whether a portion of this tehsil is a Muslim majority area or not, for the purpose of this tehsil my argument is that the Muslims and Christians form a majority. On that basis the area on the other side of Amritsar and Tarn Taran tehsils is occupied by Zira, Nakodar, Jullundur and Dasuya tehsils. You will find on a study of the map[1] that the extreme south-west corner of the Dasuya tehsil terminates about 12 miles before the extreme north-western point of Amritsar tehsil is reached.

MR. JUSTICE DIN MUHAMMAD: In the Dasuya tehsil the Muslims and Christians are not in a majority.

SIR MUHAMMAD ZAFRULLAH KHAN: I shall give you the actual figures of population and then you will find that they are just fifty point something. The total population of the tehsil is 2,73,246; the Muslims are 1,32,105; the Christians are 4,729; the total of Muslims and Christians being 1,36,834 which is more than half of the total. Now as I have already stated, the extreme south-west point of Dasuya falls short of the extreme north-west point of Amritsar tehsil by 12 miles. Amritsar is in no sense contiguous to the Dasuya tehsil. If on the map a pair of scissors were taken and Kapurthala main block is cut out altogether and the areas towards the south are pushed up what would in that event block the Amritsar and Tarn Taran tehsils would be Jullundur, Nakodar and Zira tehsils and all these are Muslim majority tehsils. So that, looking at it either way whether you take the Kapurthala main block into account or not, these two tehsils are blocked amidst Muslim majority tehsils. That being so, the Muslim majority area proceeding on the basis of tehsils alone would be 17 notional Muslim majority districts minus the tehsil of Pathankot plus the Ajnala tehsil of the Amritsar district which is a Muslim majority area and is contiguous to Batala tehsil, Narowal tehsil and Shahdara tehsil which are all Muslim majority areas. Thus, as I have already stated the two tehsils of Amritsar and Tarn Taran, which are non-Muslim majority tehsils, will be blocked and cut off from the East Punjab.

[1] *Vol. IV.*

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Now coming to the other factors, I submit that in accordance with the definition of 'other factors' that has been given in the Muslim League Memorandum, 'other factors' only refer to local matters. The only claim made in the Muslim League Memorandum on the basis of other factors is that of a portion of the Pathankot tehsil. That claim is based upon the ground which has not only been more than fully admitted by the other side, but has been repeatedly, if I may say so, put up on a vast scale and has been urged by them in submitting their case.

The headworks of the Upper Bari Doab Canal System are at Madhopur in the Pathankot tehsil on the Ravi and a few miles of the stretch of that main canal is also in the Pathankot tehsil. There is also about 7 miles below Madhopur at a place called Malakpur a Hydraulic Research Laboratory and it is the only laboratory of its kind in the Punjab, which is very largely a canal irrigated province meaning thereby that it has very large areas which are irrigated from the canal system and which obviously requires a laboratory of that kind. There are three laboratories of that kind in the whole of India, the other two are at Poona and near Calcutta. There are some smaller research stations but there is no other laboratory of that kind. It has been not only conceded but strongly urged by the other side that when you find a situation of this kind—and as a matter of fact the situation is not half as strong as this one, that the main areas, almost the entire area, irrigated from the canal system would be on the one side of the boundary line and the headworks and a few miles of the canal and laboratory relating to the system on the other side of the boundary line—the headworks of the canal and laboratory ought to go with the main area which the canal system was designed to irrigate. With regard to this particular area the whole argument on the other side is that they ought to get the whole of it and we claim that rightfully it should go to the West. The other side have made a distinction with regard to the portion of Pathankot tehsil which is included within the portion which we have claimed in our memorandum and that portion is the one which is beyond the Ravi. To that distinction I shall advert later when I come to deal with that part of the case. At present I am explaining the Muslim case as put before the Commission.

If you adopt a tehsil strictly as the basis of the partition and as

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a unit from which no departure has to be made, the position works out in this manner. The 17 Muslim majority districts under the notional division minus the tehsil of Pathankot would go to the West Punjab and the remaining 12 districts would go to the East. The tehsil of Ferozepore Jhirka, although a Muslim majority tehsil, lacks contiguity with the west and will go to the east and the Muslims can lay no claim to it. Similarly Tarn Taran is a non-Muslim majority tehsil but it lacks contiguity with the east and will therefore go with the west. On the basis of other factors it is claimed that that portion of Pathankot including the headworks and the laboratory and the stretch of the canal from Malakpur down to the boundary line at Gurdaspur should be included in the West Punjab because the canal is designed to serve entirely the area within Gurdaspur, Amritsar and Lahore districts.

MR. JUSTICE MEHR CHAND MAHAJAN: I have not been able to follow how on this argument you have included the city of Pathankot in the West.

SIR MUHAMMAD ZAFRULLAH KHAN: Now the line has to run some distance on the east of the canal for its proper maintenance.

MR. JUSTICE MEHR CHAND MAHAJAN: How much distance?

SIR MUHAMMAD ZAFRULLAH KHAN: This is for the irrigation experts to decide.

MR. JUSTICE MEHR CHAND MAHAJAN: I want to know the distance. It is five miles from Malakpur and four miles from Sujanpur.

SIR MUHAMMAD ZAFRULLAH KHAN: I do not know the place personally. I have to go by the information supplied to me and that is that Pathankot is within an area which would require its inclusion if the canal is to be properly maintained. Some people may think ten miles would be the necessary length required for the proper maintenance of the canal but the Commission might take expert evidence.

Now I shall go on to one specific aspect of the case said to be made out on the other side before I advert to some of the general features of the case made from the other side because the one specific aspect is here more relevant and more convenient to deal with. On the question of strategy the main principle that was stressed by the other side was contained in a quotation from Sir

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Thomas Holdich, "the chance of active aggression being almost in exact proportion with the facility of carrying it out"[1]. I am prepared to make that as the theme and basis of my submission on the strategical aspects of the case.

The second matter that was stressed was that what the Commission have to consider is the strategic boundary, not between two parts of the province or even between two provinces that are part of the same country, but between two sovereign independent states that might find themselves at war with each other. Now I shall quite freely confess that I had, for the purposes of our case, assumed that the two dominions were going to be a part or going to be both members of the British Commonwealth of Nations who wish to be and continue to be at peace with each other and that the only strategic considerations that arise in this part of the country with which we are concerned, are that the frontier between Pakistan, as it is now called, or the north-west of India, as it was, and Afghanistan and beyond which should be the region upon which attention should be concentrated, that is to say, that should be fortified against aggression. But I am grateful to my friends on the other side for having so strenuously stressed the strategic considerations between the Dominion of India, as it is now called, and the Dominion of Pakistan. India being a larger dominion with many times the population and resources of Pakistan the apprehension of a war, particularly one of aggression, should perhaps have arisen in the minds of the Pakistan people before it arose on the other side. But they are wiser people. They are taking no chances and they know their own designs and intentions best. As I have said, I attribute to them no kind of questionable motive when I say 'designs and intentions'. I mean this that they may be aware that they may not be within the same Commonwealth for long and that they may then be in a different set-up, so far as the defence and strategic questions are concerned, from that in which Pakistan may find itself. They may also have the apprehension that Pakistan may go out of the Commonwealth and then different sets of questions may arise.

[1] *The following is the full text of the quotation :*

"Finally it is beyond question important that boundaries should be well defined; that they should be difficult to violate and as strongly defensive in character as nature or art can make them; the chance of active aggression being almost in exact proportion with the facility for carrying it out."

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However, as I have said, I am extremely grateful to them that they have drawn our attention to the very delicate, in fact extremely dangerous, position in which Pakistan would find itself with regard to the defence and strategy for the boundary. On that basis let us first examine broadly the applicability of the test put forward by them. "The chance of active aggression being almost in exact proportion with the facility for carrying it out". Who would have, between India and Pakistan, the greater facility for carrying out the aggression? The first consideration is one of manpower. I will not weary you with figures, broadly speaking, of Eastern and Western Pakistan put together, though for our present purpose Eastern Pakistan would have to be left out of consideration altogether. But Eastern and Western Pakistan put together would have roughly only about one-fifth of the total population of India, that is to say, the population would be in the proportion of 4 to 1, 4 for India and 1 for Pakistan. Taking the population of the Western Pakistan alone, on the basis of the strategic map, or rather on the claim made by the other side to draw the boundary at the Chenab—I have asked for the figures but they have not been worked out yet but the proportion would be very much smaller—it would be to the total population of the rest of India, I believe, not more than round about 7 or 8 per cent. That is the first factor.

Who would have greater facility for carrying out aggression? Take the next factor, the resources. Apart from the ordinary resources of maintaining the army, take first the question of equipment of an army and of carrying out active aggression. Pakistan has no source of obtaining steel within its own dominion. India is more than fully supplied with those resources. The coal production of Pakistan is round about 1,84,000 tons of inferior grade coal—a miserable quantity. India was at one time—certainly when I was in charge of these matters on behalf of the Government of India—an exporting country for coal. Attock has a certain amount of petrol, amounting to 20,000 to 25,000 gallons altogether which would be used out in the course of one day and in any case Attock oil-fields are in the direct line from the Chenab boundary suggested by the other side, only 90 to 100 miles from the boundary and an air attack would, within half an hour of the declaration of hostilities or the commencement of hostilities without declaration, wipe out the installation at Attock.

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Take the possibilities of air attack. India has plenty of resources for an assemblage and construction. Pakistan has none. India has vast spaces for the disposal of its industrial output . They propose to leave to Pakistan a narrow strip beginning with Karachi and ending with Khyber, narrower still in this sense that it is only a very small portion of this strip that can be effectively developed. The rest is desert and hills of no practical purpose with regard to the defence against India but if those deserts and hills had been on the side of India between Pakistan and India they might have afforded some kind of relief but they are for this purpose on the wrong side.

For purposes of my further submissions I hand over this map which shows the strategic relations and possibilities on the basis of the lines proposed by the other side and on the basis of the lines that, from the strategic point of view, I propose to lay before the Commission from the Muslim League side.

One word more before I proceed. Here is a pamphlet called the *Atlas of India* by A. M. Loranzo in the *Oxford Pamphlets of India Affairs Series.* Right in the middle of it there is a map of India showing its industrial capacity and resources shown by means of diagrams put at various places, indicating how these things are distributed. With the exception of the Attock oil-fields, I think there is nothing else in the map as falling within Pakistan. Everything else is in India.

The strategic boundary that I propose will be apparent from this map No. 5 and you will keep that in view when I propose to draw your attention to the considerations arising from this map No. 7. I wish at first to draw attention to the strategic line proposed by us.

Starting from the south-west corner it follows outside the canal system there till it joins the boundary of the Faridkot State. Then it perforce follows the boundary of the Faridkot State and from that point it bends sharply inwards as it touches the predominantly Sikh area in Moga tehsil. Then it follows the line just outside the Ludhiana-Ferozepore railway line as far as Ludhiana. Then it follows the main line for a few miles as far as Sirhind Canal and follows it up and includes Rupar and from Rupar picks up the crest of the Shivalik Hills, follows the top half of the crest up to

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the Beas, follows the Beas and goes up to the next tehsil and follows the other portion of the Shivaliks. Its name is Dhangu and I am told it is geographically in continuation of Shivalik Hills. That is the line we have proposed as against the line proposed by the other side and I will now draw your attention to the comparison of the two lines.

Take first their line. I might perhaps explain the significance of these green and yellow belts on map No. 7. Between the green and yellow belts towards the east, in the middle runs the strategic line proposed by us as I have shown you on map No. 5. On either side of this line is a belt forty miles wide coloured green on one side and yellow on the other. Its design indicates what would happen if in the case of declaration of hostilities or in case of commencement of hostilities either side advanced forty miles into the territory of the other and the same is illustrated on the other side. In the middle is the black broad line indicating the boundary suggested by the other side. On either side of that boundary is a band forty miles wide again showing what would happen if either side advanced into the territory of the other to the extent of forty miles. Forty miles is an arbitrary figure, it is not a scientific figure but some figure has to be adopted and forty miles has been chosen and any other figure might be adopted and consequences based as a result of that figure.

First, taking the line proposed by the other side, you will observe that in the portion of the Punjab left by them there is really only one main railway line starting from Lodhran after it has crossed the bridge from Bahawalpur, then crossing the Chenab to the west of Multan and carrying along the Indus up to Kundian. It is a line that runs from south-west to north-east. As I have said, the whole of Pakistan would only be a narrow stretch, a portion of which is developed and the rest is waste. All the supplies for war would have to come up from Karachi along this line. It is true it is double track up to Lodhran but it is a single track line between Lodhran as far as it goes up to the north, so that there would be difficulty in the movement of the troops, and supplies would fall upon this single track line with the additional disadvantage that the front would lie also almost parallel to this line and therefore supplies would all the time have to be deflected from this line to the front at right angles which is a hopeless proposition and what

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are the means of deflecting them to the front? Just one line from Kundian and the other line meandering round and coming down to Rawalpindi and back. Those are the only two possibilities. You can make estimates as to where war could be fought with that alone as the means of transport.

I want to show that the boundary suggested by the other side is an excellent boundary for them for purposes of offence, but it leaves me no chance whatsoever of any kind of defence. They have left me no possibility of advance. They have not left me much to defend. That is another consideration. They have left me no possibility of defending myself. Look at it from the other point of view. According to their claim the other line in Pakistan would go only up to Multan and would disappear into their area after Khanewal. Then from Khanewal to Shorkot it continues inside their boundary. From Shorkot it emerges again but it is of no value to me because from Khanewal to Sheikhupura will be within their boundary and if not technically within their boundary, it will be on the boundary and would not be defensible at all. From this point to the extreme south-west of this bulge, if they advanced even twenty miles or twenty-five miles or possibly thirty-five miles and occupied Lodhran, they would cut off the whole of my connection with Karachi.

From the point of view of air attack, if they wiped out the bridge at Lodhran and they wiped out the bridge west of Multan, they make me absolutely helpless and leave me with no choice but to capitulate. With the bridge at Shorkot gone and the bridge at Lodhran and west of Multan gone, there will be no defence for me. Then a forty miles advance would take Sargodha and would take the bridge of Pind Dadan Khan, and would take Jhelum itself and the bridge thereon, which would make me absolutely helpless in that direction. As I have said, the distance from Wazirabad to the oil-fields at Attock is only one hundred miles.

What happens if I make a rush in a surprise attack and advance forty miles into their territory? Wazirabad goes, Lyallpur goes, Shorkot goes and Khanewal goes but above all their communications are absolutely intact, they have three main lines coming from Delhi and running at right angles to their front, their supply lines, their transport, if they fall back forty miles, would not be affected in any vital manner whatsoever. That is what would happen if

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Pakistan advanced forty miles if it could. I do not see how it could but supposing it did, that is the argument.

MR. JUSTICE DIN MUHAMMAD: My brother wants you to explain what the black line indicates from Sutlej upwards.

SIR MUHAMMAD ZAFRULLAH KHAN: That is the limit of forty miles advance from our side. True, the advance would not be uniform everywhere but one has to take some standard, almost certainly if hostilities unfortunately started between these two dominions. The course of events would not be what we may be discussing today but we have to discuss the possibilities on the map. That black line is the corresponding line of green line.

Take our line and see what happens if they advance forty miles inside that line. Ferozepore, Kasur, and Raiwind are taken.

MR. JUSTICE DIN MUHAMMAD: What does the white split indicate between the yellow and the green?

SIR MUHAMMAD ZAFRULLAH KHAN: That is the balance left.

MR. JUSTICE DIN MUHAMMAD: What is that white portion on the map?

SIR MUHAMMAD ZAFRULLAH KHAN: White has no particular significance. For the purpose of this map the only portions that are of significance are green and yellow and of other colours. As I was saying, 40 miles advance from their side into Pakistan on the basis of our line would give them Ferozepore, Kasur and Raiwind and at Raiwind would block the main line coming from Khanewal and Multan, I mean the Karachi line that goes up to Lahore. It would seriously threaten Lahore, it would seriously threaten Amritsar and it would take the bridge on the Ravi and Narowal and it would again make the advance extremely difficult. Pakistan would not, of course, be in the same miserable position as it would be if the line is drawn up to Chenab when it would certainly be in a position of great disadvantage.

Having considered whether India has a defence position or whether it has communications or not, I submit that its supply line and transport are both natural. They are at right angles coming from the base. They have, for instance, Delhi–Jakhal–Bhatinda line. Delhi–Ambala–Ludhiana line, Delhi–Ghaziabad, Saharanpur–Ambala line. They have a metre-gauge line from Shahdara to Saharanpur and there are other in between connecting lines. So, India has a perfect system of transport which is all

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natural and which would be parallel to the fighting front. Then they will have Ludhiana and Jullundur and in any case even on our own line they could blow up the Mandi Hydro-electric Works and render that part of West Punjab, which would be dependent on current from the hydro-electric works, absolutely useless and would also render the industrial and civil population out of work. It might be said that from Shivalik line they would be, as the crow flies, only 70 miles. But as I have said they would be within the Mandi State and can blow up [the works] at once. The conditions between Shivaliks and the Mandi Hydro Plant are, in any case, so difficult that it would take weeks, if not months, for any kind of force that Pakistan may have at its disposal, even against a retreating Indian army to go and occupy the site of the Mandi Hydro-electric Works. That in any case has a serious weakness which would expose Pakistan. So they really have not much danger from Pakistan in any way.

If Pakistan manages in counter-attack to make a 40 miles advance, then the defence capacity of India would be affected. True, they would lose Bhatinda and Dhuri and the Pakistan forces would be within a measurable distance of Ambala, but they do not lose all. Their communications are not upset; they lose so much of the railway line no doubt up to the extent of 40 miles, but they still have this main line bringing their supplies at right angles to their forces. Practically nothing of their defence is obstructed.

These are the considerations that apply to strategic questions, so far as I know. I am not an expert in these matters and have had nothing to do with those matters at any time during my life. These are things that stare in one's face. In modern advance, a good deal depends on advance in depth. Here is a map of this part of India, which illustrates what would have happened if there was a more serious advance from either direction and how both sides would be situated. In the middle, across large black lines, is the area which is common to the two strategic lines in the sense that it is enclosed within two. They propose this strategic line and carry it as far as the extreme end of this black shaded area towards the north-west and the rest is a triangle towards the south-east. The red lines indicate the areas that we would have occupied if there were an advance from the extreme north-west point of the strategic line proposed by the other side, up to 250 miles and 500 miles. The

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green lines on the opposite side indicate the area that would be lost to the other side if Pakistan made an advance from the extreme south-east point on our strategic map, that is to say, Rupar up to a depth of 250 or 500 miles. Taking their advance first, I submit that they advance 250 miles, they reach as far as Quetta and they are a few miles south of Peshawar. They take practically the whole of Pakistan on that side, leaving out only the hills of Baluchistan and, of course, portions of Sind. They take certain portions of Sind as well. That is to say, the advance of 250 miles completely wipes out the possibility of rescuing any portion of Pakistan in the sense that the greater and the best part of it would be occupied and the rest would be rendered absolutely useless. If they advance 500 miles, they would even take a greater part and the hills of Baluchistan and they would have a good deal of Afghanistan in addition.

Now what would happen if we advance 250 miles? If we advance 250 miles that would take us within a measurable distance of Agra, we would be somewhere near Mutra and the rest of India will still be intact. If we were to advance 500 miles, then we would be within a measurable distance of Allahabad. Someone might suggest that I am concentrating on the north-west, what about the danger to India from the east? Nobody who is even cursorily familiar with the conditions in Bengal—I myself am not quite familiar, as I have been there only two or three occasions—would have any hesitation in saying that there can possibly be no danger of any advance from East Bengal. But assuming that it does happen, what would be the possibilities? If an advance were made from Calcutta—I cannot say at the moment where the boundary line would be—but assuming an advance of 250 miles from Calcutta or from whatever part near about that towards East Bengal, it would entirely wipe out East Bengal. On the other hand an advance of 250 miles from East Bengal might endanger the coal fields or it might take you into Bihar. And assuming the worst that can happen as a danger from Pakistan to India—I personally think that it is quite an unimaginable contingency—still assuming for the sake of argument that there is an advance of five hundred miles from East Bengal that might jeopardise the Gangetic plain and still leave the whole of central India, the southern and western India absolutely intact in so far as the resources, manpower

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and transport are concerned.

But that kind of thing is not inherent in the situation. They are an elephant power—they have got an insignia of an elephant on the stationery of the Indian Constituent Assembly—and we are like an ant in respect of our resources. What danger can they have from us? But the danger that we can have from them can be seen. Our position with regard to them may perhaps be described somewhat in the words of the late Mr. Balfour. In the matter of the definition of a 'great power', he was asked how he defined a great power. He said, "It would be difficult to define a great power, but you cannot help recognising it when you come across it". Anybody who is an Indian and is familiar with the conditions of India knows that if there was an unfortunate conflict between India and Pakistan, India would soon be recognised as an elephant even though the definition of an elephant was not known.

Again coming to the geographical considerations, they say that Chenab is the river that they have selected as the boundary line. But actually their boundary follows the Chenab only for about a hundred miles and then strikes out into the middle of the boundary without any reason from the point of view of strategical considerations up to Shorkot. It then includes Shorkot and between Shorkot and Khanewal, it inter-changes at six places. So far as the Sikh map[1] is concerned, for a part of the length it runs into the middle of a single railway line leaving the maintenance of one rail and half the sleeper to India and one rail and the other half of the sleeper for maintenance by Pakistan. As I have already stated, the map which accompanied the memorandum shows that between Shorkot and Khanewal alone one line, a single tract of about 70 miles, goes through and across six times. Now it can well be imagined how many customs barriers, how many police posts, how many military posts, we are going to have in one stretch of 70 miles length. From Khanewal the line again lounges out, as it were, into nothing at all and then turns back across the railway line. Again between Khanewal and Lodhran it crosses the railway line and then goes to the middle of Multan district.

There is thus one further merit from the strategic point of view favouring them that their line runs at right angle to the railways

[1] *Vol. IV.*

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they have. There is also a vast system of irrigation canals behind their line which is about a 100 miles in width affording excellent defence facilities and offering difficult obstacles to hostile advances. On the other side, the Jhelum Canal also offers that advantage to a certain extent but in that area the width is 20 or 25 miles as against 100 miles. On our side, the defence would very largely depend on Jhelum and on lateral railway communications. Geographical features are that throughout its length it follows either a canal or a railway or road line or railway, road, and river line and ultimately a crest of a system of hills which offers no kind of appreciable danger to India but does give Pakistan a fair chance of defence.

Then there must be this consideration, which must be remembered all the time that if India insists upon claiming a line which makes it not only absolutely secure in itself against any danger from Pakistan but places Pakistan at its mercy, it might consider a great advantage or a victory but it does court this danger, you weaken Pakistan and you place it at your mercy, and if you do that, you equally place India itself at the mercy of an invader from the north-west and thereby you open the gates of India to the invader, and remember this, the future invader will not be limited to the resources and means of transport of those that came in the past. Let us hope, for the sake of the peace of the world, for the sake of humanity itself, that the danger that threatens from that direction will not materialize, though there are moments (on the average by about places of 3 months) when the international situation suddenly boils up to bursting point. One never knows when that much-to-be-dreaded contingency might arise and if it does arise then pause to consider, what you are doing if you ask for a line like that. As I have said, you will be opening the doors wide to the invader to walk into India. You are destroying the defence of India when you destroy the defence of Pakistan. What has happened in the past? Has any invader in the past been tempted to stop at the Chenab? Has the Chenab ever proved a strategic boundary? This is map No.6 of the battle fields where battles have been fought in the past. A very ancient one was fought between Alexander and Poros at the Jhelum. Then later on when the Sikh power had been broken at the Sutlej, a kind of rearguard action was fought at Gujrat and Gujranwala. All the

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battles that have in the past diverted the current of Indian history had been fought so far as the Punjab is concerned, below the Sutlej and that is a proof positive that from the strategic point of view of all the rivers the Sutlej line is more important. Once the Sutlej is crossed, it is the Indus line. In the event of a war, Master Tara Singh's threat will materialize and the Muslims will be pushed beyond the Indus. I say that the strategic boundary could be nowhere but at the Sutlej. Some ancient battles were fought at the following places: Ferozepore, Mudke, Aliwal, Sirhind—all south of Sutlej—then Kurukshetra, Karnal and the battles of Panipat on the Jumna line.

It might be contended on the other side that nothing will be left to the East Punjab but it was strongly contended by them that a boundary must be a strategic boundary between two independent states which might be at war with each other. Look at these diagrams, look at these maps and with your hands on your hearts, say which should be the boundary line between India and Pakistan. Their boundary has not even the merit of taking their contiguous areas up to the Chenab. I will give you the analysis of the areas later on but you find that not only tehsils but several districts were left and when I asked Sardar Harnam Singh that "your boundary does not take you to Chenab," he replied, "Well, I must stop somewhere." He also said, "I cannot go on filling myself with all this stuff which I am not able to digest". And when my friend Mr. Setalvad was asked, "What about the rest?", he said "We shall see about it." On my map, at any rate, you have to depart from the majority areas by a matter of half a dozen tehsils. This additional country right from Rupar to the boundary of Bahawalpur or Rajputana, the strip there on both sides of the river is predominantly Muslim; thus along the Chenab there is very little of any Sikh population. To take another consideration, if Thal is the area that is in dispute between the two strategic boundary lines—they insist they must have Chenab, we insist we must have Sutlej and the Shivaliks— you easily define the area in dispute. You have it in a block in map No.7. Here is the table that works out the population[1].

The whole area which is within our line and also within the strategic line, excludes those parts of Ambala district which are

[1] *Appendix VIII infra.*

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not within our strategic line and it excludes the whole of the Rawalpindi division and such parts of the Multan division as are not within their claim. This is the disputed area. The population figures are, Muslims 57.47 and if you add Christians, that makes 60.99 or practically 61 per cent. But taking the Muslims alone, it is 57.47. Now this is the area in dispute, apart from the merits of strategy which I have already submitted. Even if you hold that these merits are equal, that is, if it were contended on the other side that the strategic considerations are the overriding considerations, on that basis, I submit, nothing else should be looked at. But even if you say "no, we must nevertheless look at the population factor, it is on the basis of that that we have to draw boundaries", then this disputed area has a Muslim population of 57.47% and with the Christians 60.99%. The non-Muslims are 39.01% and that includes all the Scheduled Castes and Ad-Dharmis but who, I am sure, at any rate a large proportion of them in the case of a plebiscite, would wish to be in the Western Punjab. But a plebiscite is something that the other side bring in when they can somehow or other wish, though I shall prove that their inclusion is wrong and that if you had a plebiscite in this area we would have a majority. When it suits them they are quite prepared to have a plebiscite. Why not apply a plebiscite here also? But apart from any plebiscite, apart from any Christian support, apart from any Scheduled Castes or Ad-Dharmis' support, I have 57.47% in this area, higher than my average in the whole of the Punjab. On what basis, (this being the disputed area) do they claim that it should be assigned to them?

Another small factor that arises on that consideration is that on the strategic map, if the Shivaliks are to be taken as the dividing line, Dasuya tehsil would be divided because a part of it is east of the Shivaliks. The portion that would be left inside our strategic boundary would have a percentage of 56.24 Muslims and 2 per cent Christians, i.e., 58.24. In the portion that would be on the east of the Shivaliks which would be contiguous to the Una tehsil of the Hoshiarpur district and the Kangra district, the Muslims would be 11.1% but in the eastern portion that is included in our map, we would be 56.24%[1]. This, you will observe, leaves out the Ambala

[1] *Appendix IX, infra.*

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district, portions of Ludhiana district and takes a little of Ambala near Rupar, leaves out Una tehsil of the Hoshiarpur district *[and]* part of the Dasuya tehsil.

A question was raised with regard to communications in Kangra district. In the first place, with regard to this question of communications, I do wish to submit that while the two dominions are at peace with each other, I really do not see why any serious difficulty would arise. In any case, if a technical difficulty is visualized, it is capable of adjustment and solution on the political side between the two governments with regard to their traffic facilities and so on. It is not a thing that raises insuperable difficulty. But as the question has been raised, I do want to advert to it for a few minutes.

So far as railway communications are concerned, without entering into technical considerations which may be asserted on my side and may be denied on the other, I wish to draw attention of the Commission to the fact which must be well known to at least some members of the Commission and must also be well known on the other side that when the Mandi Hydro-electric Headworks were projected and the question arose of building a railway to carry the material and equipment up to the works, there was a serious contrast between two alternative routes. One was the route that was finally adopted. It cost a good deal more than it was estimated to cost and subsequently a good part of it had had to be dismantled because it did not pay. The other was a route from Mukerian in Hoshiarpur district over the Shivaliks through the stretch—though east of the Shivaliks is excluded from our map up to Kangra and then beyond to Jogindranagar. I have here a note extracted from the *Uhl River Hydro-Electric Project*, Part II, Revised Kangra Valley Tram-way, Sec. I, prepared by Col. Beattye, the then Chief Engineer, P.W.D., Hydro-electric Branch. He says that the route finally selected from Mukerian was originally worked out on a two-inch map and then reconnoitred in December. This reconnaissance showed that the route was feasible at a fairly reasonable cost, considerably much less than that of a line from Pathankot to Kangra. An approximate estimate of the cost of the line was made on the assumption that 2.6 feet line may be constructed along this route at a cost of Rs. 40,000 per mile. On the strength of this, it was decided to have the route surveyed. The

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surveyor who accompanied the original reconnaissance completed the survey by the end of May 1923. I shall have copies made of this note and submit one to you.

As I have said, that line would have passed through the stretch of the Hoshiarpur district between the Shivaliks and the Kangra Hills. From Sirhind to Rupar there is already a railway. There is a railway under construction from Rupar to Una which stops short of Una, I believe, at a place called Nangal up to a few miles. I am told that though the country there is not very very easy, there are no serious difficulties in the way of its being continued up to Una and through Una to a point where it could join up to the original route surveyed. The road from Rupar to Guzar-Nangal is under construction since 1946. Provision for metalling Guzar-Nangal-Una Road, including the construction of major bridges over it, was made in the Punjab Budget for 1946-47 (vide item No.29 under head "81—Capital Account of Civil Works outside the Revenue Account-Post-War Development Schemes" and vide item No.79 under the same head for the year 1947-48) and this work is in progress. Metalling of Una-Gagret section has been included in the 'Post-War Development Schemes'. This length is only 19 miles and runs through plains. If necessary, this can be metalled immediately without any difficulty. The road from Gagret to Bharwain is already a metalled one and the road between Bharwain and Kangra though unmetalled is in a fairly good condition and is motorable. Metalling of this section has also been included in the 'Post-War Road Development Scheme'. The river Beas is at present crossed by a boat bridge which goes out of commission only during short periods of intense floods, and during this period a ferry operates. A permanent high level bridge has been proposed to be constructed at this spot during the current financial year (vide item No.78 under head "81-Capital Account of Civil Works-Post-War Development Scheme-1947-48")

On a purely strategic aspect of this map, which we have submitted, there is also a further consideration which arises on the basis of the submission made by the other side. I do want to make it quite clear that I have been and I am being dragged into the discussion of these matters because they have been raised by the other side. They do not fall within my definition of "other factors". Such of them as do, are subject to the further qualifica-

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tion that I have submitted in my definition that they should necessitate only local adjustments, so that I want to safeguard myself against any suggestion which might be made in reply that after disclaiming that other factors could come in the picture to the extent and in the manner advocated by the other side, I went on to discuss them. I am discussing them as a second line. I submitted to the Commission on Saturday my interpretation of the terms of reference and the documents that interpreted paragraph 9 of His Majesty's Government's Announcement.

The other side have raised this matter that this is one further fact which supports the strategic boundaries that we have suggested. In the waters of the Beas and the Sutlej the present shares enjoyed by the various parties are:

9,040 cusecs from the Sirhind Canal by East Punjab.
2,720 cusecs from the canal taking off from the Ferozepore Headworks by Bikaner.
6,950 cusecs by West Punjab from the Dipalpur Canal taking off from Ferozepore (Hussainiwala) Headworks.
3,320 cusecs from the Eastern Canal by the West Punjab in the area which I have given in my strategic line.
6,594 cusecs (Kharif) from the Pakpattan Canal taking off from Suleimanki Canal by the West Punjab.
4,883 cusecs from the Mailsi Canal by West Punjab taking off from Islam.

Total of West Punjab: 21,747 cusecs.

In the Bahawalpur State: 4,917 cusecs from the Eastern Sadiqia Canal taking off from Suleimanki, 3,366 cusecs from the Fordwah Canal from the same head, 5,958 cusecs from the Quaimpur Canal, Islam Headworks.

The total comes to this: 9,040 cusecs by East Punjab and 2,720 cusecs by Bikaner, which put together would be 11,760 cusecs.
West Punjab 21,747 cusecs and Bahawalpur 14,241 cusecs. It makes 35,988 cusecs.
The percentage of East Punjab and Bikaner State is 24.6; (East Punjab 18.9 and Bikaner 5.7; the total is 24.6). West Punjab is 45.6; Bahawalpur is 29.8; the two combined is 75.4. This leaves out small quantity taken by Bahawalpur. From that point of view also

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you will see that the interest of West Punjab and Bahawalpur with regard to the waters of Sutlej, leaving again out of account the distribution of waters at Panjnad lower down where all the branches of Indus join, is roughly one to three[1].

There is one further consideration with regard to this matter, that when the Bhakra Dam was projected, it was found that any further serious offtake of water from the Sutlej or Beas would make these areas, which were already deficient in the sense that they were not getting as much as they had been promised under the Sutlej Valley Project, further deficient in their supplies. Secondly, that the Sutlej along with its sides between Rupar and Bahawalpur State affords a good deal of *sailaba* irrigation in times of inundation and that the construction of the dam would ruin the economy of these areas and some provision would have to be made to supply water to these areas which it so happens are overwhelmingly Muslim. There is a very thick belt of Muslim population on both sides of the Sutlej. The committee that went into this question (I believe, it is called the Anderson Committee) proposed that a provision to the extent of 18,000 cusecs would have to be made for this purpose from the Bhakra Dam, and that a further provision from the Bhakra Dam would have to be made to supplement the supplies already available to the Sutlej Valley Project areas in the Punjab and in Bahawalpur State. I will hand over a note on this giving the figures later on. That is a further consideration that a good deal of storage from Bhakra Dam also has already been promised to this *sailaba* area on both sides of the Sutlej and to the predominantly Muslim area and the Muslim State of Bahawalpur. That completes the picture from various points of view of this strategic set-up. As I said, this was one specific matter which is not related to other factors raised by my honourable friends opposite and I think it would be convenient for me to deal with it in one block at that stage.

I will now come to another aspect of the case; it is sought both in the Sikh Memorandum and the Congress Memorandum. Before I do that, I would like to draw your attention to the two sentences in the Muslim League Memorandum, which were sought to be pressed by Sardar Harnam Singh in order to establish that it was

[1] *Apprently the comparison meant is between East Punjab + Bikaner (24.6%) on the one hand and West-Punjab + Bahawalpur (75.4%) on the other.*

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admitted on our side that there were serious apprehensions entertained by one community against the other. I do not think that was a fair conclusion that could be drawn from anything said in the Muslim Memorandum. The first sentence to which my honourable friend drew attention was—this sentence is contained in paragraph 17—where we deal with the position of canal headworks at Madhopur. It is stated:

> This would involve a serious anomaly and would give rise to possibilities of friction and mischief between the two States. There would at least be serious apprehension on the part of the population of the upper part of the Bari Doab, Muslim as well as non-Muslim, that its prosperity and indeed,its very means of livelihood may be put in jeopardy...[1]

My learned friend reads the sentence up to that word only. I want to draw your attention to the fact that there is no full stop after the word "jeopardy". The sentence goes on to say:

> ...jeopardy if the Headworks and the portion of the canal in the Pathankot Tahsil are not properly looked after and maintained at an efficient level...[1]

The basis of the apprehension is purely economic. It has nothing to do with the two communities as such and the apprehension is set out as being on the part of the whole of the population of that part, Muslims as well as non-Muslims. There is nothing communal nor is any factor of communal apprehension referred to.

Then on the same score he drew attention to paragraph 30. There it is stated:

> The boundary line suggested in the earlier part of this memorandum is based upon percentages of Muslims and non-Muslims in the various Tehsils of the Province. It is understood that the Christian organisations in the Province are anxious that as large a part as possible of the Christian population of the Province should be included in West Punjab. They view with apprehension the prospect of any considerable numbers of their people being included in East Punjab...[2]

[1] *Vol. I, pp. 289-290.*
[2] *Ibid., p. 290.*

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That again has nothing to do with any apprehension based upon communal friction or hostility. These apprehensions have been explained to you. They were mostly related to the domestic administration and ecclesiastical arrangements of the Christian community. That has been explained to you. There is no apprehension of a clash or friction or hostility or enmity between the two communities.

Now the Sikhs are asking for partition which is based on two main apprehensions or rather on apprehension based on two main considerations. One point is that during the course of the history of India when Mughals were in power, the Sikhs and their religious leaders were tortured and persecuted by the Muslim rulers. They therefore have apprehensions that if the Muslims get a preponderating share in the exercise of political power in any part of the country, the Sikhs may again be subject to similar treatment. In any case the recollection of past history in this respect makes them cautious and the only precaution that they can take is that as few of them as possible be left in the West Punjab. The other point is that recent happenings in certain parts of the province, where it is alleged a large number of them were killed and persecuted, have made them determined that they will have as little to do as possible with the West Punjab.

Before I start to refute these two allegations I shall make one submission. I am very sorry indeed that this part of the case has been sought to be agitated here before you. I have the greatest respect for the Sikh religion and great friendliness and sympathy with the members of the Sikh community. I do not know whether my attitude has any relation to the fact that several branches of my own family are Sikhs or whether eversince my childhood I have been brought up to look upon Hazrat Baba Nanak, the great holy founder of the Sikh religion, as a great Muslim saint and mystic whom all Muslims held in the greatest respect and veneration. I have many dear and sincere friends in the Sikh community and I am sure that many many Muslims are in the same position. We have received all kinds of hospitality and kindly treatment. I have a feeling of gratitude towards them.

But one owes a higher duty and obligation also. It has been sought both in the Sikh Memorandum and the Congress Memorandum, quite honestly perhaps, on the basis of convictions

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perhaps, to defame the great Muslim rulers and to bring their name and memory into disrepute. A colour has also been sought to be put upon present unfortunate and deplorable happenings in certain parts of the province which on examination, the facts would not bear. I am therefore compelled to advert to these matters. I shall make every effort to do so with courtesy, as I have no desire to injure anybody's feelings. I shall try to say nothing which might injure the feelings of any community.

SARDAR DARBARA SINGH: When Sardar Harnam Singh was submitting his case before you, sir, you were pleased to ask him not to make any reference to these things. I would now request that Sir Muhammad Zafrullah may also be asked not to make any reference to those unfortunate happenings.

MR. JUSTICE DIN MUHAMMAD: If Sardar Harnam Singh acceded to my request, Sir Zafrullah also will.

SARDAR DARBARA SINGH: I think, sir, he did in deference to your wishes.

MR. JUSTICE DIN MUHAMMAD: No. He stressed that part of the memorandum which refers to *Tuzk-i-Jehangiri.*

SIR MUHAMMAD ZAFRULLAH KHAN: The memorandum must have been read by the Chairman and the verbatim reports of the submissions here must also have been read by him. It is human nature that if a person is convinced that the course of history has been such as has been suggested from the other side—it is all black on one side and all white on the other—and the course of recent happenings also emphasizes the same colour of history, then he might well feel that whatever scope the terms of reference give him he ought to use that scope for the purpose of saving that particular community from the repetition of those horrors. Therefore on that basis I submit that I have a right to supplement what has been stated by the other side, so that a true picture may be before the Chairman. As I have said, I have no desire to injure the feelings of anybody and I will say nothing which is not supported by history written either by the Sikh historians or by European historians, nor will I say anything, so far as recent happenings are concerned, which is not supported by official communiques.

One apology I must make at the start and that is with regard to the unfamiliarity of words and names. It is possible that my pronunciation may be defective. I hope that will be put down to

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my unfamiliarity and to no desire consciously to mispronounce any word which may give offence to any community.

I will take the historical portion first.

MR. JUSTICE TEJA SINGH: As I understood Mr. Harnam Singh, his object was to show that for some time in history, the relations between the two communities were strained and the recent happenings were the result of those strained relations. Is it your object to deny that fact?

SIR MUHAMMAD ZAFRULLAH KHAN: Sir, it is not my object to apportion any blame or praise on either side. My object is to show, as I have stated, that the picture that has been sought to be placed before you had been made black throughout on one side; that it is far from being so. You will then be able to judge, or the Chairman will be able to judge, to what extent I have succeeded in my object. My object is to show that history did not leave us in a condition in which Sardar Harnam Singh says it left us. My object is also to show that the recent happenings are unfortunate and that the people who have suffered during the recent happenings—it does not matter to what caste or creed they belonged—they have my fullest sympathies, but it is again my object to show that the picture was not as dark as he had tried to paint it.

So far as history is concerned, it is not denied that the relationship between the Mughal Emperors and the Sikh community and their great Gurus was quite amicable and quite cordial during the times of first four Gurus. I shall cite a few facts supported by Sikh historians.

(Interruptions by the opposite side.)

MR. JUSTICE DIN MUHAMMAD: Please don't interrupt.

SIR MUHAMMAD ZAFRULLAH KHAN: I protest against this observation. You must withdraw. I am entitled to consult those who are here to help me. We are engaged in the process of a very difficult investigation and all sorts of matters are to be discussed.

MR. JUSTICE DIN MUHAMMAD: Yes, you are entitled to consult but when you are addressing the Commission, if any gentleman interrupts you, it is discourtesy to the Commission.

SIR MUHAMMAD ZAFRULLAH KHAN: There is no intention on anybody's part either to interfere with the work of the counsel or the Commission. We are all here with the intention of helping

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the Commission in this work.
MR. JUSTICE DIN MUHAMMAD: That can be done by passing a chit.
SIR MUHAMMAD ZAFRULLAH KHAN: Sir, I accept your interpretation.

Sir, Emperor Akbar granted a jagir of 84 villages in Pargana Jhabbal situated in Amritsar district to the third Guru, Guru Ram Dass. The authority for this is *Gurbillas Padshahi 6, Adhyae 6,* pages 89-90. *Gurdarshan,* page 816. Sir, all these authorities are here in the court. If anybody wants to verify, he can do so.
MR. JUSTICE MEHR CHAND MAHAJAN: Are they in Gurmukhi?
SIR MUHAMMAD ZAFRULLAH KHAN: Some of them are in Gurmukhi also but here are present in the court some Gurmukhi scholars who can see these if my friends are in any doubt.

In addition 500 bighas of land were also given to Guru Ram Dass in Amritsar district which is now known as Chak Ram Dass. This, I believe, is admitted in the Sikh Memorandum also. Guru Ram Dass was also given the present site where Durbar Sahib is built. The Guru is said to have sat near the bank about 1574 and obtained a grant of the site with 500 bighas of land in 1577 from Emperor Akbar.

Tolls used to be levied at rivers. A collector of tolls at Jumna river was a Hindu. Guru Amar Dass was proceeding on *yatra.* He was asked by the collector to pay toll. The Guru refused to pay the toll and sat on the bank of the river along with his followers and retinue. He would not proceed any further till he was permitted to proceed without the payment of toll. This incident was reported to Emperor Akbar, who directed that the Guru be permitted to proceed without payment of toll and the Guru Sahib proceeded on his *yatra* toll-free. It is referred that several local people joined as his followers. The authority for this is *Twareekh Guru Khalsa* (page 70) by Giani Gian Singh.

Some Hindus carried a complaint to Emperor Akbar that Guru Amar Dass was creating differences and strife among them. The Emperor summoned the parties before him in order that he may look into the matter personally. Guru Sahib despatched his son-in-

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law Guru Ram Dass to the Durbar. The Emperor heard both the sides and decided that the matter was purely religious and it had got no political aspect and announced that Sikhs are at full liberty to propagate their faith. The authority for this is *Gur-Partab Suraj Granth*, pages 150-51.

On a subsequent occasion, the Hindus again preferred a complaint before the Emperor that Guru Arjan had collected *Guru Granth Sahib* in one volume and that the *Granth Sahib* contained matters derogatory to the Hindu as well as Muslim faiths. The Emperor asked that the Granth may be sent to him. It was brought to him with due ceremony by a party of Sikhs. The Emperor caused portions of it to be read out to him. After hearing them he held that it contained nothing to which objection could be taken and that it was not for the administration to interfere in religious matters. The *Granth Sahib* was then returned with due honour to Guru Arjan and the Emperor also offered to the Guru the robe of honour and no small reward to the Sikhs who had brought the *Granth Sahib—Twareekh Guru Khalsa*, page 91.

When Guru Ram Dass died, he appointed his younger son, Guru Arjan, to succeed him. His elder son Bhai Prithvi preferred a claim to the gaddi before the Emperor Jehangir. Had the Emperor been inclined to interfere in the religious organization of the Sikhs, that would have provided him with an excellent opportunity. He, however, declined to intervene on the ground that Guru Arjan, having been appointed by his father, must be treated as the original Guru, but he made a grant of two villages as a jagir to Prithvi Chand from the imperial treasury *(Gurbillas Padshahi* 6, *Adhiyae* 3, No. 44).

This shows not only that the Mughal Emperors—this was the case up to Jehangir—had no desire to interfere with the religious organization of the Sikhs but that in order to maintain their solidarity the Emperors were well known to contribute towards it from their own resources. Jehangir made a grant of 8,945 acres, 7 kanals and 15 marlas to the Gurdwara Kartarpur in the Jullundur district *(Mahakosh*, page 902 by S. B. Bhai Kahan Singh). This book has been published by the Patiala State. That is Jehangir. It is mentioned in Giani Thakur Singh's article in the *Updeshak* for June and July 1933 at page 16 that upto the time of Jehangir, Muslim rulers treated the Sikhs with great consideration and generosity and that Emperor Akbar by the grant of 84 villages as

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jagir to the Guru Sahib established a bond between the Sikhs and the Muslims.

Now there certainly arose some trouble with Emperor Jehangir. That trouble arose in this manner. Prince Khusro, Jehangir's son, rebelled against his father. The reasons one need not go into though they are mentioned in history and someone may be offended by its mention. Therefore I will omit it. Prince Khusro fled to the Punjab and met Guru Arjan Sahib and solicited his help. The Guru presented him with a sum of money (*Twareekh Guru Khalsa*, Gurmukhi, page 768). The Emperor pursued Prince Khusro to the Punjab and Khusro was captured by the imperial forces at Jhelum. When the prince was brought before the Emperor it appeared that the Guru had helped him with money in the prosecution of his rebellious activities. This naturally upset the Emperor and this was the first incident which was responsible for interrupting the friendly and gracious relations that had existed between the Mughal Emperors and Gurus. Sant Ram Ashufta (in his book *Hindu Jati and the Sikh Gurus* at page 5) says:

> Had Guru Arjan not taken part on the side of Khusro in his rebellion against Jehangir, the relations of the Sikhs with the Mughal Emperors would not have become strained.

This shows clearly that the trouble that the Emperor started was on account of the Guru having helped Khusro in his treasonable designs. More recent Sikh writers did not take this view. All the earlier writers have persisted in it. For instance, *Twareekh Guru Khalsa* and *Gur Partap Suraj Granth* say that the more recent writers have been influenced by political motives and tried to give the whole matter a colour of religious persecution. It stands to reason that those writers who lived nearer to the times of these incidents were not as much influenced by recent political differences as those who came after. Obviously therefore the view of the earlier writers must be preferred.

The Emperor Jehangir on learning that Guru Arjan helped Khusro made enquiries. Mr. Beni Prasad in his *History of Jehangir* says:

> The melancholy transaction has been represented by Sikh tradition as the first of the long series of religious persecutions

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which the Khalsa suffered from the Moghul Emperors. In reality, it is nothing of the kind. Without minimising the gravity of Jehangir's mistake, it is only fair to recognize that the whole affair amounts to a single execution due primarily to political reasons. No other Sikhs were molested, no interdict was laid on the Sikh faith. Guru Ajran himself would have ended his days in peace if he had not espoused the cause of a rebel"[1].

I was saying that the Emperor sent for the Guru and made enquiries and the Guru Sahib explained that he had paid money to the prince merely by way of hospitality and he was not influenced by any motive or consideration. The Emperor thereupon directed that the matter should be investigated—*(Tuzk-i-Jehangiri*, page 35). The Sikh historians relate that at that time the governor of Lahore was one Chandu Lal. Unfortunately it appears that Chandu Lal had some personal grudge against the Guru. He selected the Guru for persecution and either as a result of extreme heat of the weather or the persecution or both, the Guru died. This shows that Jehangir had no direct or indirect share in the death of the Guru. The Guru had in some measure supported Prince Khusro in his treason. The persecution of the Guru was by Chandu Lal, who was a Hindu and not by Jehangir. It was an unfortunate coincidence that at the time this matter was to be investigated, the governor of Lahore was a Hindu who wanted to satisfy some private grudge against the Guru.

Now the Emperor is completely exonerated from blame for the fact that history records that when it came to his notice that Chandu Lal had persecuted the Guru in consequence of which the Guru had died, he dismissed Chandu Lal and handed him over to Guru Hargobind, the son of Guru Arjan Singh, with the message that that man was responsible for his father's death and he could be dealt with as Guru Hargobind pleased. This is *Twareekh Guru Khalsa* by Gyani Gian Singh, (Gurmukhi), page 805, Urdu edition page 100. What more could be expected? There was prima facie reason to think that the Guru had been guilty of treason.

MR. JUSTICE TEJA SINGH: What about that which Jehangir himself wrote?

[1] ***Beni Prasad***, History of Jahangir *(Allahabad: The India Press Ltd., 1930), pp. 149-151.*

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SIR MUHAMMAD ZAFRULLAH KHAN: He was inviting the Guru to Islam. Every one of us would be doing his duty wherever he is, if we invite others to join Islam.

MR. JUSTICE TEJA SINGH: And if he does not join, put him to death?

SIR MUHAMMAD ZAFRULLAH KHAN: Where is it stated? Even when a person is charged with treason and is condemned, it is part of Islamic law that if he accepts Islam the punishment is remitted.

MR. JUSTICE TEJA SINGH: No mention of treason is made in the quotation given in the Sikh Memorandum.

SIR MUHAMMAD ZAFRULLAH KHAN: The original, which is in Persian, does not say that he should be executed. It says 'I gave orders that he should be legally dealt with'. Here is the Persian original..

MR. JUSTICE DIN MUHAMMAD: Does it serve any useful purpose to dilate any further on this point? Supposing a community says that it is not prepared to live with the Muslims, will it serve any useful purpose if you say that history says that their relations were cordial and so on?

SIR MUHAMMAD ZAFRULLAH KHAN: I have just pointed out what has really happened. It is they that have dragged this matter into controversy by bringing that point, and I am only trying to contradict it. Even now if they say that they withdraw as unfounded the charges that they have made in their memorandum and in their submissions, I go no further. I have no desire to press this point. My allegation is that these charges are unfounded according to their own historians. If they say that those people who wrote this were not Sikhs or they were not reliable people, they were story-tellers and liars, I will not pursue the matter; I will withdraw.

MR. JUSTICE MEHR CHAND MAHAJAN : I think nobody will withdraw anything. You better go on.

MR. JUSTICE TEJA SINGH: Here is what they say in their memorandum:

> Emperor Jehangir further recorded: 'I fully knew of his heresies, and I ordered that he should be brought into my presence; that his houses and children be made over to Murtaza Khan, that his property be confiscated, and that he should be put to death

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with tortures, for state reasons[1].

SIR MUHAMMAD ZAFRULLAH KHAN: I have already said that the records show that Jehangir handed over Chandu Lal to Guru Hargobind as his father's executor , to be dealt with at the pleasure of Guru Hargobind. I have given you the quotations. Page 805 further says that Chandu Lal was subjected to more torture by the Sikhs on that account. The whole incident boils down to a political charge and I have established from Sikh sources that the Guru helped Khusro with money—that is perfectly innocent but it was enough basis for the Emperor to direct an investigation. In the course of that investigation the Guru died. It may have been a murder by Chandu Lal but the Emperor handed over Chandu Lal to Guru Hargobind.

(At this stage the Commission rose for lunch and re-assembled at 2.00 pm, when Sir Muhammad Zafrullah Khan continued his arguments.)

SIR MUHAMMAD ZAFRULLAH KHAN: Before I go on with what I was dealing with before lunch, I would, with your permission, make a submission on another matter. You will recall that an application had been put from our side asking for certain information to be obtained from His Excellency the Viceroy with regard to the plan that was submitted to him and about which he made a reference in the course of press conference asking for partition on behalf of the Sikhs. I understand some reply has been received. If that is so, would the Commission make it available to us?

MR. JUSTICE DIN MUHAMMAD: We received a letter from the President, Punjab Provincial Muslim League[2], praying therein that His Excellency the Viceroy may be requested to make available to the Commission the plan that was submitted to him on behalf of the Sikh community. Thereupon we addressed the Private Secretary to His Excellency the Viceroy[3] and this is the reply[4] that we have received addressed to our Secretaries :

. . .

To this letter were attached four enclosures. One is an extract

[1] *Vol. I, p. 357.*
[2] *Vol. I, p. 195.*
[3] *Vol. I, p. 206.*
[4] *Printed in Vol. I, p. 218.*

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from the record of the Viceroy's press conference[1] which you read *in extenso* beginning with, "There are two main parties to this Plan—the Congress and the Muslim League..." and ending with "...I am not a miracle worker and I have not found that solution".

The second enclosure is an extract from the record of the Viceroy's press conference[2] beginning with, "The question is how to keep the integrity of the Sikh community intact..." and ending with "... It is not I who is responsible for asking for partition."

The third document that is attached to this letter is a copy of a resolution passed by the Congress Working Committee on 8 March 1947 at New Dehli[3]. This also you read *in extenso.* The fourth document attached to this letter is a copy of a letter addressed to the Pandit Jawahar Lal Nehru, Vice-President, Interim Government, New Delhi, dated the 2 April 1947. It is addressed by Pandit Thakur Das Bhargava, M.L.A., Raizada Hans Raj, M.L.A., Diwan Chaman Lal, M.L.A., Sardar Mangal Singh, M.L.A., Sardar Sampuran Singh, M.L.A., Sardar Bahadur Captain Harinder Singh, M.L.A., Sardar Bahadur Sir Sobha Singh, M.C.S., Ch. Sri Chand, M.L.A., Sir Buta Singh, M.C.S., Ft.-Lt. Rup Chand, M. C. S., and Sardar Surjit Singh Majithia, M. L. A., and is as follows[4] :

SIR MUHAMMAD ZAFRULLAH KHAN: In *Gurbillas Padshahi* (6) at page 215, there is also a drawing depicting two Sikhs dragging Chandu Lal along with a rope around his neck. Bhagat Singh is the author of this book. He was a disciple of one of the companions of Guru Gobind Singh. The context around it is that he was handed over to the mercy of Guru Hargobind on account of his having been the cause of his father's death. This is what they did to him. With regard to Guru Hargobind you have already been told by my friend Sardar Harnam Singh that he particularly requested that on the occasion of his installation he should be

[1] *Vol. I, p. 219.*
[2] *Vol. I, pp. 219-20.*
[3] *Vol. I, p. 220.*
[4] *Printed in Vol. I, pp. 221-222.*

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equipped with two swords; one signifying secular power and the other signifying spiritual power, so that there was the determination to assume secular authority. Nevertheless Jehangir's attitude towards Hargobind was one which shows that he was determined to go even further than surrendering Chandu Lal to console him for the distress that he had suffered. He was appointed to supervise the governorship of Lahore and got a stipend from the imperial treasury. He was also granted a salute of seven guns.

In Shahjehan's reign these relations again underwent a certain amount of strain owing to certain incidents. Two incidents are related; one is that a follower of the Guru stole a couple of horses belonging to the Emperor and presented them to the Guru *(Gurbillas Padshahi* 6, page 639). On another occasion the chief huntsman of the Guru captured a falcon belonging to the Emperor and refused to return it on its being demanded by the imperial officials *(Mahakosh).*

Gurbillas Padshahi 6 (pages 283 and 393) also records an incident to which certainly I am not willing to give credence in as much as it is derogatory to the Guru himself. I understand that this incident has been subsequently concocted and the Sikh historians had not realised that by recording it they were really calumniating their own Guru. That incident is that Guru Hargobind had abducted a Muslim lady who was the daughter of the Qazi of Lahore.

Guru Hargobind was succeeded by Guru Har Rai. This Guru helped Dara in his rebellion against Aurangzeb. This is recorded in *Tawareekh Guru Khalsa,* page 757. That was a question of waging war against Aurangzeb. Aurangzeb summoned the Guru in order to make inquiries from him. The Guru sent his son Ram Rai to the Emperor. The Emperor received him with honour and appointed a stipend for him. *(Tawareekh Guru Khalsa,* page 765). All these incidents do not show that they were tyrant rulers who were out to suppress the religious activities.

The next Guru Harkrishan succeeded to the gaddi in his childhood and died shortly after. He was succeeded by Guru Teg Bahadur, who being offended at the opposition of his relatives disappeared for a time. Thereupon some members of the Sodhi family preferred a request to Aurangzeb that Ram Rai should be

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appointed a Guru in place of Guru Teg Bahadur. Ram Rai was the elder son of Guru Har Rai and was a favourite of Aurangzeb. But Aurangzeb refused to recognise him as Guru on the grounds that there was nothing to show that Guru Teg Bahadur had abdicated and that in any case the appointment of a Guru was a matter for the Sikhs and not for the Emperor *(Tawareekh Guru Khalsa,* pages 855-856). This is the clearest instance that the Emperor did not incline to intervene in these matters. There was an excellent opportunity for him. He says 'No, in the first place there is nothing to show that Teg Bahadur has abdicated and in the second place it is the business of the Sikh community'.

The incident that finally led to the tragedy of Guru Teg Bahadur, which is mentioned in the Sikh Memorandum, is variously described in history. One account is that Guru Teg Bahadur began to collect the revenue of Malwa and stopped its payment to the imperial officers or into the imperial treasury. Thereupon the Emperor ordered that the Guru should be arrested and produced before him. When he appeared before Aurangzeb, he made certain spiritual claims. Aurangzeb asked him to substantiate them. The Guru said that the proof of his claims lay in the fact that if the Emperor ordered him to be beheaded no one would be able to behead him. Thereupon the Emperor ordered that he should be beheaded and his order was carried out. The Guru at that time was wearing an amulet which, when it was opened, was found to contain the statement, "I have given up my head but not my secret" *('Sir dia, sirr na dia'). (Prachin Panth Parkash* in Cunningham's *History of the Sikhs,* page 65)[1]. What is the charge against Aurangzeb on that account? Another account is that Guru Teg Bahadur was not executed by Aurangzeb's order. He was committed to prison and while in prison he requested one of his disciples of the name of Bidhia to cut off his head. He refused but the Guru insisted and told him that if he did as he was asked, it would be counted as an act of great spiritual merit on his part and that he and the Guru himself would dwell nearer each other after death. This account is mentioned in *Gurbillas Padshahi* 6, *Adhiyae* 8, No. 265, page 200—and here is an illustration in the book of the

[1] *Joseph Davey Cunningham (ed. H.L.O. Garrett),* A History of the Sikhs, *Oxford University Press, 1918), 429 pp.*
See also Kanayya Lal, Tarikh-i-Punjab *(Lahore, Sang-i-Meel Publication–photo offset reprint 1881 edition-?), pp. 31-32.*

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executions. *(Book placed before the Commission.)* Neither account makes Aurangzeb responsible for the death of the Guru. This book was written in 1776 *Bikrami*. Some of the Sikh histories contain pictures of the disciple cutting off the head of Guru *(Gurbillas Padshahi* 6, page 200).

Guru Teg Bahadur was succeeded by Guru Gobind Singh who started propaganda among the hill rajas that they should combine with him to bring about the fall of the Mughal government but the rajas declined *(Tawareekh Guru Khalsa, Gurmukhi,* pages 1096-1097; Urdu pages 149-151). Thereupon the Guru directed his Sikhs to create disturbances in the territories of the rajas. The rajas complained to the governor of Sirhind *(Tawareekh Guru Khalsa,* Urdu, page 152 and *Guru Sabha Granth,* page 57). The governor sent an army which invaded Anandpur (district Hoshiarpur) and Guru Gobind Singh had to abandon the fort.

The Guru had four sons who had already escaped to Chamkaur *(Guru Sabha Granth,* pages 62-73). Two of these sons disappeared but the two who were present were captured by the Sirhind army and were sent to Sirhind *(Siri Guru Sabha Granth,* page 73). When the boys arrived at Sirhind the Nawab of Malerkotla begged the governor to release them and the governor agreed but his Hindu diwan, Sachda Nand, pleaded with the governor that to kill the snake and to let the spawn escape would be unwise. As you are aware that is a Persian proverb *(Tawareekh Guru Khalsa,* Gurmukhi, page 1288 and *Panth Parkash,* page 267). With regard to what followed, the Sikh historians say that the governor had the boys executed but Bhai Parmanand, a well-known and revered Hindu leader and author, relates that the governor handed over the boys to Diwan Sachda Nand and he caused the boys to be killed. The Sikh Memorandum states that the governor had the boys bricked up and then despatched by a butcher's knife. But none of the earlier histories mentions anything about their being bricked up. The governor asked the boys what would they do if released. The boys said that they would continue war and go on fighting.

MR. JUSTICE TEJA SINGH: How old were they?

SIR MUHAMMAD ZAFRULLAH KHAN: They were probably little children. I know of an instance where a Muslim army was commanded by a young boy of 17 years. I do admit that they

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were young boys. What I am trying to show is that the story that they were bricked up is wrong as it is not supported by the early historians.

MR. JUSTICE TEJA SINGH: That statement of the early historians has been very strongly challenged.

SIR MUHAMMAD ZAFRULLAH KHAN: The later Sikh historians introduced this. The earlier historians do not make any mention about the bricking up and this bricking up is surely an imagination of somebody.

Now I am going to qùote Bhai Parmanand, an eminent Hindu politician and a skilled historian. He says, "then the governor handed over the boys to Diwan Sachda Nand who caused the boys to be killed"—so that Diwan Sachda Nand played the same part which was played by Diwan Chandu Lal in Guru Arjan's days. I am not quoting from any Muslim historian lest I may be accused of being actuated by a desire of creating malice in the minds of the Sikhs towards the Hindus. I am quoting from the *Tarikh-i-Punjab* by Bhai Parmanand wherein he says that the boys were very young and when asked what they would do, if released, replied that they would gather a large army and fight against their enemies. So, what I want to stress is that the boys were not bricked up and it is a matter of surprise that the more recent Sikh historians and in their footsteps the European historians also have coined this story. Their sources obviously should be early history and early history does not make any mention about this. On the other hand I have an instance from the Sikh history on record that Aurangzeb forgave Guru Gobind Singh and issued directions that he should be permitted to reside wherever he chose.

MR. JUSTICE TEJA SINGH: Whether this incident is correctly recorded in history or is in an exaggerated manner, it does not touch the question now before us. The question is whether fortunately or unfortunately, rightly or wrongly, the relations between the two communities were strained or not. Strictly speaking you are not relevant to the issue before us at the moment.

SIR MUHAMMAD ZAFRULLAH KHAN: I am not trying to convince my Sikh friends on the other side that their present attitude over the partition of the Punjab is mistaken or that they should reverse their choice. What I am trying to do at the moment is to wipe out the charge of tyranny and torture that has been levelled

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against the Muslim rulers whom we hold in reverence and respect. Why have you permitted that kind of thing to go on record, and if that has been done I consider it my duty to refute every word of it. As I have said, I am not concerned with the attitude of the Sikh community to what has happened in the matter of partition, but I am certainly within my rights to vindicate the honour of those Muslim rulers for whom we have great respect and regard and whose honour has been so wantonly sacrificed, thereby creating a certain amount of prejudice in the mind of the Chairman on this point. If, however, everything is withdrawn by the other side and an intimation is sent to the Chairman that those things are withdrawn, if on no other ground at least on the ground that history is doubtful on these points, I shall have no hesitation to withdraw all that I have said in regard to this matter.

SARDAR DARBARA SINGH: These are solid facts.

SIR MUHAMMAD ZAFRULLAH KHAN: Whether facts based on earlier history are hard facts or imaginations mentioned in the memorandum are hard facts, is for the Commission to decide. As far as I am concerned, I have not cited a single instance to which objection can be taken because I have quoted either from a Sikh historian or from a Hindu historian or from a European historian. As far as the Sikh community is concerned, it is their choice; they are lying on the bed they constructed for themselves and it is not for me to tell them as to what is in their interest and what is not in their interest, but it is for me to prove that the allegations that they have made are not true and I contest those statements on the basis of the authority of the Sikh historians themselves.

MR. JUSTICE MEHR CHAND MAHAJAN: We are learning more about history than about boundaries!

SIR MUHAMMAD ZAFRULLAH KHAN: It is worth learning. During the arguments of Sardar Harnam Singh I did not hear one word of protest from the Sikh Commissioner.

MR. JUSTICE TEJA SINGH: If you had protested, I would have stopped him.

SIR MUHAMMAD ZAFRULLAH KHAN: Why should I protest, it was all wrong and I am entitled to make a reply to that.

MR. JUSTICE TEJA SINGH: It is the other side that is protesting and I am telling you that it is all irrelevant.

SIR MUHAMMAD ZAFRULLAH KHAN: Macauliffe[1] in volume

[1] *M. A. Macauliffe, The Sikh Religion, its Gurus, Sacred Writings, and Authors, (Oxford, 1909), 6 Vols.*

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5 (Pages 247-249) refers to Sirhind where a general massacre was held, the town was ploughed up and all the inhabitants were killed. Diwan Sachda Nand was captured here, an iron ring passed through his nose and a string tied to it. He was led through the bazars abegging and was shoe-beaten at every shop till he died. Now why did the Sikhs do that to Sachda Nand, a Hindu?

In the end Aurangzeb forgave Guru Gobind Singh and issued directions to his governors not to interfere with him and that he could reside where he preferred *(Guru Sabha Granth,* page 78). As a consequence of this clemency on the part of the Emperor, Guru Gobind Singh later on joined the army of Bahadur Shah and fought his enemies *(Guru Sabha Granth,* page 90), *(Gur Partap Suraj,* page 6192) and *(Twareekh Guru Khalsa,* Gurmukhi, pages 2088-2100 and 2117).

After the death of Guru Gobind Singh, his disciple Banda Bairagi began to create disturbances in the Punjab. The *Panth Parkash* records that Banda Bairagi put to death young men, children and old men whenever he could capture them, that he slit open the bodies of pregnant women and killed the unborn children, that he killed the Muslims while they were at their prayers, that he dishonoured and exposed the dead bodies from their graves, forced Muslim women to eat the flesh of swine and destroyed Damla, Kunjpur, Sadhara, Kaithal, Mustafabad, Benaut, Kasur, Samana, Saharanpur, Batala and Kalanaur *(Tawareekh Guru Khalsa,* Urdu, pages 187, 190, 193, 199 and 249). In Samana alone 10,000 Muslims were put to death. I am omitting gruesome details taken pride in and gloated upon by certain Sikh historians.

Thereafter the Emperor Farrukh Siyar issued orders that these disturbances should be put an end to. This is referred to in the Sikh Memorandum as an instance of Muslim tyranny and persecution. This is the usual Sikh method. They ignore the provocation and the atrocities committed by themselves and the steps taken by the administration to put an end to their atrocities are held up as instances of tyranny and persecution.

The attitude of the Sikhs towards the Muslims and even towards such of their Hindu neighbours who co-operated with the Muslims may be gathered from the account given by Bhai Gurdas, who is described by Giani Thakur Singh as an admirer and disciple of

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Guru Gobind Singh. He says the Sikhs demolished mosques and Hindu temples and dishonoured Muslim graves and Hindu cremation grounds, destroyed Qurans and Veda Shastras, forbade the *Azaan* (Muslim call to prayer) and put prominent Muslims to death. No Muslim dared to repeat the confession of faith or to have his child circumcised or to say his prayers or to call divine blessings upon the Holy Prophet *(Varan Bhai Gurdas* pages 754 and 760).

In spite of all this high-handedness on the part of the Sikhs, a Sikh historian bears witness that in the time of Meer Mannu, when the Muslims and Sikhs were at logger-heads with each other, the Muslims never molested Sikh sadhus or did any damage to gurdwaras *(Baba Nanak da Nirmal Panth,* page 79).

Whenever any punishment was inflicted or any punitive action was taken on the part of the administration, it was by way of penalty for rebellion or treason or disorders but there is not one instance with regard to anything done to suppress Sikh religion or destroy Sikh shrines and gurdwaras. As a matter of fact I give a list of endowments and grants by Muslim kings and chieftains to Sikh gurdwaras. It is a long list which comes to several pages. I shall file copies of this list. Some of these gurdwaras are even today managed by the Muslims. There must have been a great deal of confidence imposed in the Muslims that the management of these gurdwaras has been left to them. The Gurdwara Nanak Johar in Hyderabad, Deccan (the authority is *Khurshed Khalsa*, page 219 and *Gurdwara Darshan*, page 37). Gurdwara Baghdad Sahib in Baghdad (the authority is *Gurdwara Darshan*, page 56), Gurdwara Multan Sahib in Multan city (again the authority is *Gurdwara Darshan*, page 51; it is next to the shrine of Shams Tabriz); Gurdwara Sirsa Sahib (the authority is *Gurdwara Darshan*, page 42 and *Khurshed Khalsa*, page 219). These are books published and written by the Sikhs. Then Gurdwara Nigahy Sahib (authority is *Khurshed Khalsa*, page 222), and Gurdwara Bala Kita, mentioned in an article by Gurbakhsh Singh, in the Amritsar district, published in November, 1938.

MR. JUSTICE DIN MUHAMMAD: Will you please have copies of these statements prepared and filed?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, they will be filed. They have got some further material which, of course, will not

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carry the matter any further. But apart from the religious doctrine, there is the political doctrine that was preached by the later Gurus, of rebellion, of hostility to the Muslims, hostility to the administration. Cunningham has mentioned it. It was made a condition of being a Khalsa.

> He is of the Khalsa,
> Who slays a Khan,
> Who slays the Toorks,
> Who is ever waging battle.

Had not these authorities been quoted, I would not have given credence to all this. It makes one consider that they should have been made a creed of religion and a religious organization, for instance,

> A Sikh is he who creates disorder,
> A Sikh is he who stakes his head (in doing so).
> Creating disorder is the caste and creed of the Sikhs. This is the very aim and object of the Sikhs. The Sikh cannot exist unless he creates disorder. A Sikh is he who encourages disorderliness *(Panth Parkash)*.

MR. JUSTICE DIN MUHAMMAD: What is the translation?
SIR MUHAMMAD ZAFRULLAH KHAN: You are all Punjabis and you understand its meaning.
MR. JUSTICE DIN MUHAMMAD: But Sir Cyril Radcliffe is not a Punjabi.
MR. JUSTICE TEJA SINGH: Where have you taken this from?
SIR MUHAMMAD ZAFRULLAH KHAN: *Prachin Panth Parkash*, page 142. Then so far as the rulers of India are concerned, no instance has been given to show where any of the Sikh places of worship were interfered with by the Muslim rulers of India. I have given you a long list of endowments by them. True, it is alleged that Ahmed Shah Abdali demolished the Darbar Sahib at Amritsar. He was an outside invader. What is the lesson to be learned by that? That is a kind of thing that might happen not only to gurdwaras but also to temples and mosques and other places of worship.

But here is a list of the treatment accorded to Muslim shrines and tombs. I will put copies of this list and quote authorities.

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Marble slabs and other precious stones were removed from the following Muslim mausoleums[1].

The whole list will be submitted together with the authors. I do not for one moment want to make it out that everybody on the Muslim side was a perfect angel. In the political history of the country incidents take place on both sides which nobody in his calmer moments would try to justify. But to try to show that religious persecution was carried on Sikhs—when all that was done was to avoid open rebellion or treason—is surely a complete reversal of the reading of history.

Now, sir, I come to what has been alleged as the recent happenings. In regard to what the recent happenings were, one ought to give a very cursory and rapid glance over what has preceded them. There were riots at Ahmadabad and Bombay in which the Muslims had suffered. Again, I want to make it perfectly clear that I am not going to attempt any justification of anything that has happened in the form of loot, arson, murder or any disaster of any kind on either side. These are abominable things which every decent-minded person must condemn and one's sympathies go impartially to everybody who has suffered under them. Some of the incidents are heart-rending on both sides, but again it is tried to be made out that the aggression has been all on one side. Later on there were the most regrettable happenings in Calcutta which, whatever the course which they subsequently took, started in the very crowded *basti* of North Calcutta where a non-Muslim landlord, failing to proceed against Muslim tenants and to obtain ejectment, took the law into his own hands. The match was set and it produced a great conflagration. That is where the killing started and what subsequently happened in Noakhali in East Bengal, where the Muslims were in a majority, was that they fell upon the Hindus and killed some of them. The number is variously stated but it is now stated to be round about 250. They tortured others and inflicted all kinds of things upon them. Then this conflagration spread to Bihar and you know what happened there. Again, quite a large number of Muslims were killed or tortured, their property burnt and many underwent untold sufferings. Thereafter, there was the horror at Garh Mukteswar. One does not want to enter into the details. The small number of Muslims there—everyone of

[1] *Appendix X infra.*

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them—was killed or drowned or butchered. Then there were other stray incidents.

But all through this the Punjab was absolutely calm and fortunately no incident of any kind occurred here. This was followed by a five weeks' agitation on behalf of the Muslim League against the provincial ministry. It was really a tug of war between the Muslim League and the Unionist ministry and everybody has borne witness to the discipline and the orderliness with which that agitation was carried on. In spite of the fact that on one occasion one Muslim processionist died as a result of the injury received in a manner which could well have made the ground of a communal riot, no such incident fortunately occurred.
MR. JUSTICE TEJA SINGH: We had a taste of it here in this court.
SIR MUHAMMAD ZAFRULLAH KHAN: Possibly you had. But on the whole the agitation passed off without any serious incident. *Then this agitation came to an end.*

Therefrom the accouns now differ. What is sought to be made out on the other side or what has been sought to be made out is that thereafter the Muslims in a wanton manner in certain areas fell upon and butchered on a large scale the non-Muslims and there is that little gap of time and incident there which makes that statement unqualified as it is an incorrect statement. This agitation came to an end on the 28th of February 1947. The ministry resigned late on the 2nd of March and the resignation was announced and became known on the morning of the 3rd March. The first incident occurred in Lahore on the 4th of March. This happened in between...
MR. JUSTICE TEJA SINGH: Probably there were meetings of political parties on the 3rd.
SIR MUHAMMAD ZAFRULLAH KHAN: Yes; earlier also. On February 28, in an interview with the representative of the *New York Times*, Master Tara Singh said this—We must remember that the atmosphere all over the country was very explosive on account of the happenings (to which I have already referred) in Noakhali, Bihar and so on. When that was the condition, before there was any reason to think that the ministry was resigning, though that itself would not be a reason for anybody to take the law into his hands—this is what he stated:

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I do not see how we can avoid civil war. There can be no settlement if the Muslims want to rule the Punjab. We cannot trust the Muslims under any circumstances. The Sikhs have the ability to keep the Muslims out of the Western Punjab.

But why should we stop there? We would drive them out of the Punjab entirely. The Sikhs have started to reorganize their own private volunteer army in response to the Muslim League month-old agitation against the Coalition Ministry of the Punjab in which the Sikhs are represented.

What was the occasion of this? The occasion of this is not past history. One conclusive answer to past history is this. In *Sant Sipahi* (which is a *Gurmukhi* Magazine of August 1946), Master Tara Singh had already said this:

In respect of religious principles Sikhs are nearer to Muslims than to Hindus but their social connections are stronger with the Hindus. Among the Hindus there is a section which wants to put an end to our separate identity. Our ties with the Muslims are not strong but for that reason we have less to fear from them. I am in favour of an understanding with the Muslims and of promoting better relations with them. There are Hindus who through intrigue and diplomacy want to devour Sikhs. Our policy with regard to Hindus should be this: we should not be so far from them that we should be permanently estranged and we should not be so near to them that we should lose our entity. The Hindus should realise this position. If they give up the desire and attempt to absorb us we shall not be afraid to strengthen our bonds. But the past record and past history inspires no confidence in us. We shall have to remain alert.

Congress is bound to seek our sympathy and assistance but has also been trying in the past to scatter our organization and shall also do so in future. It does not accept our separate political existence because it is opposed to it on principle. It should thus be borne in mind that the Congress and Hindus will try to destroy our separate political existence. During the last election utmost effort was made to this end but we saved ourselves. If the Sikhs who got elected to the Punjab Legislative Assembly had all been elected on the Congress ticket, we should have died as a community.

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Those were the sentiments in 1946. Whatever the legends, whatever the myths which have been circulated with regard to past history, the impression on the minds of the leaders of the Sikhs was not what is tried to be made out today. However, on the 28th February the Khalsa wears its sword. In *Sant Sipahi* of March, Master Tara Singh says, "Let the Khalsa Panth now realise the gravity of the situation". This is a speech made by Master Tara Singh on 3rd March at Kapurthala House. "Let the Khalsa Panth now realise the gravity of the situation. I expect every Sikh to do his duty". One of the duties, as I have read out, was 'Kill a Muslim wherever you meet him'. He said, "we shall live and die but not submit to Muslim domination. Khalsa, rise and gird up your loins. The momentous hour has approached". Not one Khalsa had been molested so far. On the 4th March Master Tara Singh came out of the assembly party meeting room and shouted, *"Pakistan Murdabad, Sat Sri Akal"*. Nobody can have objection to *Sat Sri Akal.* but I say what was the object of saying *"Pakistan Murdabad"*, unless it was with a view to provoking the other party. And he further brandished his *kirpan.* He said that the time had come when the might of the sword alone would rule and that the Sikhs were ready and they had to bring the Muslims to their senses. They were ready and the Muslims were not. *(Laughter).* On the 4th of March, he said :

> O, Hindus and Sikhs! Your trial awaits you. Be ready for self-destruction like the Japs and the Nazis. Our mother land is calling for blood and we shall satiate the thirst of our mother with blood. We crushed Mughlistan and we shall trample Pakistan. I have been feeling for many a day now that mischief has been brewing in the province, and for that reason I started reorganizing the Akali Party. If we can snatch the government from the Britishers, no one can stop us from snatching the government from the Muslims. We have in our hold the legs and the limbs of the Muslim League, and we shall break them. Disperse from here on the solemn affirmation that we shall not allow the League to exist. The world has always been ruled by minorities. The Muslims snatched the kingdom from the Hindus, and Sikhs grabbed it out of the hands of the Muslims and the Sikhs ruled over the Muslims with their might and the Sikhs shall even now rule them. We shall rule them and shall

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> get the government fighting. I have sounded the bugle, finish the Muslim League.

So here he wants blood.
Giani Kartar Singh said on the 4th of March :

> This day the crusade starts. One hundred years from today our yellow flags were flying on the fort of Lahore. The same flag shall fly again. Our battle-axe shall decide if the Muslims shall rule. The Sikhs shall never disgrace the name of Guru Gobind Singh.

Obviously he is the one who started the crusade but Master Tara Singh started the other way about. They got the worst of it.

Chaudhri Lahri Singh said, "I am a Jat and the Jats do not talk much". I am afraid I am also a Jat and I am talking a lot. *(Laughter).* Chaudhri Lahri Singh further said, "They believe in action. The Jats embraced the Sikh cult to put an end to Muslim rule, and the same Jats will once again fight with their lives".
Dr. Gopi Chand Bhargava said on the 4th of March :

> During these days stage such demonstrations that the renegades amongst us may find it impossible to reach any settlement whatever with the Muslim League.

Chaudhri Krishan Gopal Dutt said on the 4th of March :

> Is there the man who dare snatch us from our mother and place us in the lap of Mamdot? Create such an atmosphere that the League may find it impossible to form a ministry.

There was an explosive atmosphere already, and in that atmosphere most mischievous and most provocative speeches were made. This is an extract from a declaration made by all the Urdu and Hindi papers of Lahore :

> The League ministry shall not be allowed to live. We shall consider it our duty to use every method to make such a ministry impossible. We warn every man and we warn every force, be that the governor or some other power, that their impious intentions shall flounder on the rock of Hindus, Sikhs and Harijans.

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That was the kind of language being used before anything had happened, before any incident had happened. Giani Sher Singh, a couple of years previously said :

> The guarantee of peace in North India lies in Sikh-Muslim unity. Whoever sows the seeds of Sikh-Muslim disunity is an enemy of India, an enemy of God and an enemy of man.

What are these leaders according to Giani Sher Singh today?

Then the incidents started. Here is a communique issued by the government with regard to how the trouble started in Lahore. It is a very long one; I will read out specific portions of it. It says:

> The trouble in Lahore on March 4, 1947 was originated with taking out by Hindus and Sikhs of a procession through the Anarkali Bazar at about 10 a.m. Some two to three hundred Hindus and Sikhs walked through the bazar, shouting *"Pakistan Murdabad"* and forcibly hauling down Muslim League flags from Muslim shops. The Station House Officer, New Anarkali Police Station, appreciating the danger, broke up the procession. It then became apparent that most of the crowd intended to make for the District Courts, and he therefore deputed a force of two Assistant Sub-Inspectors and six Foot Constables to go ahead and bar their entrance...

Then it describes the clash that occurred between the police and the public. Then it goes on :

> ...The crowd at the Gol Bagh comprised mainly college students, most of whom hailed from the Sikh National College having walked from there in procession. Some 80 of these students were armed with *kirpans* and the others with *lathis*. After the meeting had been broken up, a procession was formed and marched to the Assembly shouting anti-Pakistan slogans. From the Assembly, it went to the Muslim League office, and presumably thereafter dispersed.

Here is something very curious. Perhaps the Commission would be able to make out what it is :

> During the course of the afternoon, Sikh and Hindu leaders including Master Tara Singh, Giani Kartar Singh, Udham Singh

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> Nagoke and Dr. Gopi Chand Bhargava held counsel together in the D. A. V. College, and were reported to have decided that only Sikh and anti-Pakistan slogans should be shouted. While this meeting of the leaders was in progress the D. A. V. College students assembled in the college hostels ...

You will notice that Hindu slogans were being entirely avoided. Further on it says:

> Roiting broke out in different parts of the town on the afternoon of March 4. The immediate cause appears to have been the shouting of anti-Pakistan slogans by small groups of Hindus and Sikhs in the Rang Mahal area, which is predominantly Muslim...

Now stopping here for a moment, I will give you the background of the atmosphere. There were declarations that they would drive the Muslims across the Indus and that bloodshed would decide it and the sword would decide it and that they were ready for it. They certainly had *kirpans*, etc. That was the atmosphere and in that atmosphere provocation started and incidents took place. That was the psychological effect created by those provocations, that is, shouting *"Pakistan Murdabad"* or *"Quaid-i-Azam Murdabad."* It is not that anybody dies if people get together and begin shouting *"murdabad"*, nor that anybody lives longer if anybody shouts *"zindabad"*. But these cries are provocative. That is the whole point and substance. All those processionists were instructed to shout Sikh slogans and anti-Pakistan slogans and not shout Hindu slogans.

The communique further says:

> A Muslim was stabbed while saying his prayers in a mosque outside the Shahalmi Gate...

That is the first violent communal incident that occurs. Who started it? Then about Gujranwala the communique says:

> In Gujranwala about 5,000 Sikhs and Hindus attended a meeting on March 4, at which anti-Muslim speeches were made. About 500 Hindus and Sikhs of Kamoke Mandi went to the railway station on March 4, broke down the fences and placed girders and barrels on the railway lines. Signal wires were damaged and the signal-cabin set on fire. The doors and windows of quarters

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occupied by Muslim employees were smashed. The police managed to disperse this crowd and trains were safely passed...

Here is a reference to the Muslims and that is how the communique ends:

The Islamia College students were instructed to see that Muslims kept away from demonstrations, and the Muslim League Working Committee issued instructions to all District and City League Committees in the province to remain calm and on the defensive. Muslim League National Guards are to assemble and not to assume the offensive. Muslim women have been forbidden to leave their houses.

This is the official document. That gives you the picture how things started in Lahore. How they started in Multan, I will tell you in a moment. I have every sympathy with the sufferers. I am not trying to minimise the horror or to palliate whatever may have been done. But I am on this point that at every place provocation was given and the thing was started. This provocation was started by those people who wanted the blood to decide, who wanted the sword to decide and who wanted to terrorise the other community that they were ready for it.

Now I will draw your attention to the *Report* on the situation in Multan district for the fortnight ending 11th March 1947. It says:

On 4th March 1947 the Sikhs and Hindus held a meeting and Sardar Nanak Singh, the local Sikhs' firebrand, exhorted the audience to celebrate *Holi* this year with blood and not with coloured water...

With whose blood did they propose to celebrate the *Holi?*

On 5th March, 1947, the Hindus and Sikhs intended to take out a procession in the afternoon or in the evening to protest against the firing on non-Muslims by the police in Lahore on 4th March, 1947. The Hindu and Sikh students of D. A. V. High School and Emerson College, however, decided to take out a procession of their own at about 11.30 a.m. This procession shouted anti-League slogans and the cries of *"Quaid-i-Azam Murdabad"* proved to be too much for the Muslims and they

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fell upon the Hindus and Sikhs. This was a signal for communal rioting throughout the city.

As I have said before I do not minimise or palliate what has happened but what anybody expects an ordinary ignorant and illiterate citizen to do after hearing the declarations that I have read out which were no doubt very well acquainted and circulated throughout the province and after hearing the speeches, "We shall play *Holi* with blood this year"? It obviously meant the Muslim blood. They started shouting *"Quaid-i-Azam Murdabad"*, *"Pakistan Murdabad"*. You are aware in what respect and in what honour Quaid-i-Azam is held by the Muslims. You are also aware of the deep devotion to his person and to his ideology that the Muslims feel and they regard him as their political saviour in time of great danger. What had a shout with regard to him intended to do, and what was the object of it that they themselves selected this cry? That shows that they know that it would hurt the Muslims most and would goad the people in towns where Muslims are in a majority. They go about in processions and know that this is the one cry which, so far as political cries are concerned, would be most offensive to the Muslims.

MR. JUSTICE DIN MUHAMMAD: The cry of "May Quaid-i-Azam die"?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes. But as I have said before, it is not that one will die if one shouts *"Murdabad"* or that one will live longer if one cries *"Zindabad"*.

MR. JUSTICE DIN MUHAMMAD: By Quaid-i-Azam they meant Mr. Muhammad Ali Jinnah?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, by 'Quaid-i-Azam' they meant Mr. Muhammad Ali Jinnah.

Now what happened in Rawalpindi. I have got a copy of the weekly diary of the Superintendent of Police, Rawalpindi. This is what he says:

The trouble was definitely started in Rawalpindi city by a Sikh-Hindu procession, which removed a Muslim League flag from a car and stabbed the Muslim occupants on the 5th March. It is possible that this would not have led to communal disturbances but the *Holi* processions taken out on the 6th consisting mostly of armed Sikhs shouting anti-Pakistan slogans coupled with the

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statements made by Master Tara Singh would have been sufficient to start riots even in normal times.

MR. JUSTICE DIN MUHAMMAD: Is this an official communique?

SIR MUHAMMAD ZAFRULLAH KHAN: This is the Superintendent of Police's weekly diary for the week ending 5th April 1947.

SARDAR DARBARA SINGH: Is it not a confidential communication?

MR. JUSTICE DIN MUHAMMAD : Nothing is confidential from this Commission.

SARDAR DARBARA SINGH: How are we to know whether the statement is correct or not?

MR. JUSTICE DIN MUHAMMAD: You can put in an application challenging the correctness of the statement.

SARDAR DARBARA SINGH: An officer of the same community as that of the learned counsel might have written all this.

SIR MUHAMMAD ZAFRULLAH KHAN: This was a European Superintendent of Police, if that would satisfy my friend. *(Laughter).* I may also add for the information of my friend that the statement which I quoted earlier was from the report of the Deputy Commissioner of Multan, who again was a European.

MR. JUSTICE TEJA SINGH: That also was from a confidential diary of the Deputy Commissioner of Multan?

SIR MUHAMMAD ZAFRULLAH KHAN: So they say.

MR. JUSTICE TEJA SINGH: Have you got authentic copies? I remember you made an application to us but the government informed us that as no inquiry was made, no information could be supplied.

SIR MUHAMMAD ZAFRULLAH KHAN: The position is this. We applied for those documents. The Governor said that they were privileged documents. I have got copies here and though they are not certified and official, yet I challenge anybody to prove the incorrectness of these copies. I am applying to you so that you might ask the Governor to make these documents available to you in the same manner in which privileged correspondence of the Viceroy and the Secretary of State over Mr. Henderson's speech had been made available to you. I might also add that the Governor be requested that these records may be preserved intact till after the 15th August. An application is ready duly signed by

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the President of the Muslim League.

MR. JUSTICE DIN MUHAMMAD: It was made over to the office of the Commission and it was ordered to be placed before us at 9.45 a.m. I do not know why that has not been done.

MR. JUSTICE TEJA SINGH: What is your authority that these are authentic reports?

SIR MUHAMMAD ZAFRULLAH KHAN: These are the copies that have been placed in my hands on the most solemn assurance that they would be kept intact. I challenge the Governor to deny their correctness whatever privilege he may now claim. It is most surprising that one should find a servant of His Majesty taking an attitude of this kind towards a Commission.

I was referring to this weekly diary of the Superintendent of Police, Rawalpindi. The previous one was a fortnightly report of the situation in Multan district for the fortnight ending 11th March by the Deputy Commissioner of Multan. The Superintendent of Police, Rawalpindi, goes on to say:

> It is possible that this would not have led to communal disturbances but the *Holi* processions taken out on the 6th consisting mostly of armed Sikhs shouting anti-Pakistan slogans coupled with the statements made by Master Tara Singh would have been sufficient to start riots even in normal times. The action taken by the Sikhs on the 5th and 6th leaves no room for doubt that the Sikhs intended to start trouble and there is reason to believe that many of them were prepared for trouble. The C.I.D. are making enquiries to ascertain the number of property owners who had insured their property against damage caused by riots shortly prior to the outbreak of disturbances. Although considerable preparation had been made by both parties, I am convinced that the Muhammadans were taken by surprise and like the police had hoped for a period of rest after finishing their agitation nor do I think that there was any organised plan for action to be taken in the villages. The disturbances were spread to the villages by villagers returning from Rawalpindi bearing exaggerated tales of the Sikh offensive giving exaggerated numbers of Muslim victims and telling of an attack by the Sikhs on the Jamia Mosque, this due to the fact that a Sikh procession went towards Jamia Mosque waving naked swords and shouting anti-Pakistan slogans. The possibility cannot, however, be ruled

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out that some political workers were despatched to villages primed with exaggerated rumours for circulation but at the same time the tales which reached the villages in the early days of the disturbances are just what one would expect to be an illiterate villager's eyewitness account of what had happened in Rawalpindi on the 5th and 6th and 7th, embroidered if at all due to his apprehension.

This was the situation. It was due to the apprehension of the Musalman that he was about to be driven across the Indus that made him lose his head and act like a mad man.

MR. JUSTICE DIN MUHAMMAD: How far is the Indus from Rawalpindi?

SIR MUHAMMAD ZAFRULLAH KHAN: About 50 to 60 miles. Then he says :

In the early days of the disturbances in the villages exaggerated tales were coming in regarding casualties in the northern police stations and it is now clear that the casualties in these northern police stations were very light. One example of this is that Taxila is reported to have had 69 fatal casualties whereas the correct figure is 2. I do not know who supplied the figure 69 to the D.I.G., C.I.D.[1] but at the same time there is no doubt that the casualties in the southern police stations have been heavy.

Now that arrests are being made in the rural areas, the Muslims are submitting many complaints against the action taken by non-Muslim police and military and although most of these complaints are absolutely baseless, there is no doubt that non-Muslim military and police personnel who have managed to find their way to their villages on leave are in many cases behaving objectionably as also are non-Muslim civilians returning to villages in any strength. There is also no doubt that many of them are implicating influential people without rhyme or reason, presumably with the object of crippling rural leadership. Many instances of protection of non-Muslims by Muslims have come to notice and more instances will be found as investigation proceeds.

[1] *Deputy Inspector-General, Criminal Investigation Department.*

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Later on he says :

> There is now no doubt that the disturbances spread so rapidly because the Muhammadans in the city were apprehensive on seeing the armed Sikh processions.

These are the official documents, the first one is authoritative and the last two are subject to verification but they are official accounts. I do not apportion blame. I say it is most unfortunate. It was in that atmosphere which unfortunately had flowed into the Punjab from Noakhali and Bihar to which may possibly be added the moral League victory in its agitation which had elated the Muslims. The Muslims had been so terrified by the sabre rattlings and demand for blood that they lost their heads. Further provocation was provided by the speeches and declarations of responsible leaders and *'Murdabad'* slogans. When the Muslim lost his head, he acted in a most reprehensible manner and he did act like a blind man who knows not what he is doing. I do not say that and condemn it because by doing so my Sikh friends will reverse their choice, but I do want the Commission and the Chairman to appreciate that whatever declarations there have been on the other side, the Muslims have made no declarations that they want their blood or want *'Murdabad'*.

An individual under provocation might do anything but the leadership on the Muslim side was pleading all the time for restraint and peace in the province. On March 3 Nawab Iftikhar Hussain Khan said :

> I appeal to the Muslims of the Punjab to remain calm and quiet. They should not organise any kind of counter-demonstrations or meetings. They should act and behave in such a manner as not to become provoked by others' utterances or injure the feelings of the other communities. I trust and hope that the Muslims will keep their heads cool and maintain prefect discipline.

This finishes the historical instances.

I now come to deal with another blot which is the census of 1941. A great deal of play has been made on the other side that census was unreliable. My first point with reference to the census figures is this. True that the census figures are not mentioned or

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prescribed as authoritative for the Commission with respect to their present intentions in paragraph 9[1] itself of the statement of His Majesty's Government but there is no doubt whatever that the figures have been mentioned in paragraph 5[2]. They are intended to be a guide for the purpose of determining the population of the districts obviously referred to in notional division and that 1941 Census figures will be taken as authoritative. It was not necessary to repeat that when later on paragraph 9 described that the Commission will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining contiguous majority areas of the Muslims and non-Muslims.

If these figures are not to be taken as authoritative, what is the Commission expected to do? Carry out a census? The Commission has not been able to find time to take direct evidence. It has had to fix a strict time schedule. Therefore obviously the intention was that so far as population was concerned, it was not intended that the Commission would direct some sort of investigation itself. It must accept as authoritative something that is already there. Therefore my submission is that there is no escape from the conclusion that under this section of His Majesty's Government's Statement, which is headed 'Bengal and the Punjab', all considerations other than population figures have been ruled out and therefore they must be taken as authoritative.

But unfortunately my learned friends have raised the question that the figures are not reliable and should not be treated as authoritative. But what then? They have not told us what should be done. In the case of Lahore they have said 'take the ration figures', but what about the rest of the Punjab? I will presently deal with the ration figures. But I want to make it absolutely clear that I shall try to meet every portion of the case sought to be made by the other side by questioning the figures or going to the original registers for certain days and for certain years, and I hope to be able to demonstrate that the census figures are correct and that in any case even these registers do not supply information upon which reliance can be made. My case is that the Commission cannot get away from the published figures of the 1941 Census. In order to meet the contention of the other side, I would be discussing these matters but I must not be taken to mean that I have

[1] *Vol. I, p. 6.*
[2] *Ibid, p. 5.*

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moved from my position that the only effective material which is open to the Commission to consider in respect of these parts of the case is the published figures of the 1941 Census.

Now a part of paragraph 22 of the unpublished administration report of K. B. Fazl Ilahi on *The Census of India* was read out to you by my learned friend on the other side. I will also read out this :

> On account of what happened in certain areas of the province during the enumeration period, I may be expected to give here some indication of the extent to which the present census figures can be regarded as accurate and reliable. I have little hesitation in venturing the categorical statement that the figures presented are accurate.

Then he goes on to say :

> A comparison of the present census figures with the natural growth of population

—I shall draw your attention later to the figures on that basis—

> as revealed in the independent record of vital statistics furnishes striking evidence of their accuracy. The recorded population was 2,84,13,937 for British territory alone. This represents an increase of 20.5 per cent over 1931. The net excess of births over deaths reported during the decade in the British districts of the province was 52,290, which gives an increase of about 19 per cent over population figures of 1931. Bearing in mind the omissions in the reporting of births the increase of 1.5 per cent over the vital statistics is not much and is susceptible of rational explanation. Thus this analysis clearly establishes the accuracy of the population statistics recorded at this census and refutes the suggestion that the rate of growth has been exaggerated.

MR. JUSTICE MEHR CHAND MAHAJAN: There is one fallacy in this contention and that is this: what about the people who have migrated and so on?

SIR MUHAMMAD ZAFRULLAH KHAN: And what about those who came in? These two cancel each other.

MR. JUSTICE MEHR CHAND MAHAJAN: If equal numbers have

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immigrated and emigrated.

SIR MUHAMMAD ZAFRULLAH KHAN: This is an official document. You will remember there is a good deal of controversy with regard to nomination of members to the Lahore Corporation on a communal basis, how many seats should go to Muslims and how many to non-Muslims. The non-Muslims thought they had not been fairly treated and a full investigation was made into the question of the population figures for Lahore—and Lahore is the one area with regard to which the greatest amount of inflation of figures was alleged and has been alleged during the course of the arguments here. That matter was investigated under the directions of the Government.

MR. JUSTICE DIN MUHAMMAD: We have received the official record in this connection which you may inspect if you like and then discuss.

SIR MUHAMMAD ZAFRULLAH KHAN: I have got a full report if this is the same record. It has already been here. I do not know whether the record to which you are referring is the same as mine. I am referrring to Mr. Bryan's Report of 3rd January 1946, which was accepted by the Governor who remarked—"I am very much obliged to PS/'Pm'[1] and agree with his views". If this is the same record I have got copies of this. He says:

> Since the present position is based on the adoption by government of the 1941 Census figures, I have tried to collect and analyse figures justifying government's use of the census figures. A communique has already been issued explaining the calculations and Government's policy, and I understand that the Governor's Secretary has received a copy of this communique from the Under-Secretary, Local Self-Government.
>
> Apart from the question of whether the census figures are more reliable than the rationing figures, there can, I think, be no doubt that Government is fully justified in using the census figures on all occasions.

He goes on to say:

> Another point which appears to have escaped the advocates of the use of the rationing figures is that the rationing figures are

[1] *Private Secretary to the Premier.*

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not constant. In the calculations that I have made I have used rationing figures quoted in a representation submitted to H.M.D.[1] which shows the total population as 8,45,396. I have also seen these figures quoted in the press. I do not know on what they are based and they do not agree with the figures published by the Board of Economic Enquiry. I have placed below a copy of the *Survey of the Board of Economic Conditions in the Punjab in April 1945.* At page 3 of this survey are given the rationing figures for the three rationed towns. It will be seen that the figure 8,45,396 does not occur anywhere and it will also be seen that the figures given varied from August 1944 to April 1945 between 8,85,177 and 9,69,401, though they eventually appear to have been stabilised at 9,10,017. I do not see how any reliance can be placed on an enumeration which has produced such widely varying figures. A further point to be noted is that the actual offtake of wheat and *atta* in Lahore during the period surveyed never exceeded 69 per cent.

Again, the official, the influential man, the rich man, the banker and so on he must have the means of getting more than the poor man inside the town or street or eating from the *halvai.*

Then he goes on:

The offtake was also below the estimate in the other rationed towns, but was somewhat lower in Lahore than elsewhere. This, again, indicates that it is unsafe to rely on the rationing enumeration and it is, I think, very probable that the figures are greatly inflated by false returns made by people hoping to secure extra rations of wheat and *atta*. I do not know what the present figures are, but I have no doubt they could easily be obtained from the Civil Supplies Department.

Coming now to the actual figures in regard to the population of Lahore, I have prepared a number of statements which I attach to this note and which I hope will be of some assistance.

(i) Statement No. I. This shows the population of the Lahore Municipal area and the present Corporation area from 1911 up to the present. The figures given under the head 'Rationing' are those contained in the representations received by H.M.D[1]

[1] *Hon'ble Minister for Development.*

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These figures by themselves call for no particular comment.

I may point out that the rationed area and the City Corporation are not identical and for this reason alone the rationing figures can furnish no indication with regard to the population figures of the city of Lahore.

MR. JUSTICE TEJA SINGH: Which is the bigger area?

SIR MUHAMMAD ZAFRULLAH KHAN: The city of Lahore, the corporation limits. In the rationing figures 55 villages with a preponderating population of Muslims are excluded; not purposely but the area is such that 55 villages do not come within the city rationing area although they are within the city corporation.

Then, to continue Mr. Bryan's report:

> *(ii) Statement No. II*—This statement shows the percentage increases in population of the various communities from 1911 to 1944 taking for 1944 the rationing figures mentioned in the representation to which I have referred... The figures show that in the decade 1911 to 1921 the Hindus and other communities increased more rapidly than the Sikhs and the Muslims. The Muslims increased much less than the other communities. This trend was reversed in the next decade. The Sikhs registered the greatest increase and were followed by the Muslims with 69.2 per cent. The rate of Hindu increase was practically the same as in the previous decade, but they were now increasing more slowly than the other communities.

One explanation of the slower Hindu increase and the large Sikh increase may be that there is a certain amount of interchangeables between the two communities. As somebody has remarked—I will get you the quotation if necessary—that during every war the number of Sikhs increased and the number of Hindus decreased. Also during certain kinds of agitation, there has been a good deal of swing over from one community to the other.

Again:

> It was in this decade that there occurred the first big jump in the population of Lahore. I have seen in the *Tribune* some criticism of the 1931 Census based on the fact that the Officer-in-charge of the census, Khan Bahadur Ahmad Hasan Khan, admitted that there had been instances in which enumerators

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tried to inflate the figures of their own communities.

We shall come to what exactly he said then. We shall find that it is observed on this point that though the enumerators also made up organized attempts, there were, on behalf of the Sikh community, attempts to persuade the Scheduled Castes to get themselves entered as Nihang Sikhs.

I have, however, been unable to discover any contemporary criticism of the Lahore census and it is noteworthy that there is nothing on the files to indicate that the correctness of these figures was questioned.

In the next decade, the Muslims increased still more rapidly and so did the other communities, but the Sikhs fell behind and the rate of Hindu increase declined still further. Criticism has been directed almost entirely against the 1941 Census, but the large increase of Muslims can be explained to some extent. In 1939, the Lahore Municipal area was extended to the present Corporation area by the inclusion of a large number of villages around Lahore. I find from a file in the Secretariat that the population of this area was in 1939 estimated at 73,954 distributed as follows:

Muslims	55,386
Hindus	9,644
Sikhs	3,726
others	5,198

(At this stage the Commission rose for the day.)

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VIII

29 July 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Tuesday, 29 July 1947 at 10.00 am.)

ARGUMENTS OF THE MUSLIM LEAGUE—*Contd.*

SIR MUHAMMAD ZAFRULLAH KHAN: Before I pick up the thread of my arguments where I left off yesterday, I desire to submit that I have been reminded that I failed to notice a question put by one member of the Commission yesterday. If that is so, I assure you that that was due to no desire not to meet any question that was put but I must have been looking at my notes when the question was put. I understand that the question was that during the time of Guru Amar Das there was no *Granth* to be taken to the Emperor Akbar. If I said Guru Amar Das that must be my mistake.

MR. JUSTICE TEJA SINGH: What was the incident to which you are referring?

SIR MUHAMMAD ZAFRULLAH KHAN: The incident related to the complaint which was carried to Emperor Akbar that the *Granth* which was compiled by Guru Arjan contained derogatory references to Hinduism and Islam and I said that a question was put that at that time there was no *Granth Sahib* compiled.

MR. JUSTICE TEJA SINGH: I do not know about it.

SIR MUHAMMAD ZAFRULLAH KHAN: Then I was not guilty of discourtesy. If I did say that Guru Amar Das compiled *Granth Sahib* then I must have been wrong. It was Guru Arjan.

MR. JUSTICE MEHR CHAND MAHAJAN: You said Guru Arjan.

SIR MUHAMMAD ZAFRULLAH KHAN: Yesterday I was drawing your attention to portions of Mr. Bryan's report and it was pointed out that the report was on the file of the Commission

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and I said that I would this morning confine myself to a passage or two of the remaining parts and would not read out the whole. The passage that I desire to draw particular attention to is in paragraph 9 of the *Report*. Mr. Bryan says:

> To sum up, although it cannot be said that the 1941 Census was completely accurate, it certainly cannot be said that the rationing enumeration was accurate and all the indications are that it was far more inaccurate than the census. The rationing figures have varied very greatly, certain communities show impossible rates of increase over the figures returned at censuses which have not been challenged, and there is a complete reversal of the normal position in regard to the population registered as voters.

MR. JUSTICE DIN MUHAMMAD: I may inform you that we have received a letter from Messrs I. U. Khan and Buch stating that rationing figures cannot be a sure guide at all because the rationing areas do not tally with the recognized areas.

SIR MUHAMMAD ZAFRULLAH KHAN: I have a list of villages which are included in the corporation area but not within the rationing area.

MR. JUSTICE DIN MUHAMMAD: They say that in no town can the figures be a sure guide.

SIR MUHAMMAD ZAFRULLAH KHAN: Mr. Bryan said:

> If a census is to be challenged merely because in a particular area one community has increased more rapidly than the others, then every census could be challenged on that basis. Moreover, although in Lahore the Muslims according to the census increased far more greatly in the decade 1931-41 than the other communities this was not true everywhere. In the Rawalpindi municipal area, for example, according to the 1931 census figures the population of Hindus was 24,806 and in 1941 this had increased to 39,298. In 1931 Muslims in the same area numbered 36,663 and in 1941 they were returned as 50,566. Clearly the rate of increase of Hindus in the Rawalpindi Municipal area was very much greater than that of Muslims, and this in spite of the fact that the Rawalpindi Municipal area had been extended by the inclusion of villages with a predominantly Muslim population. I have not, however, heard any suggestion that the Rawalpindi figures are unreliable because the figures for Hindus are unduly

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inflated.

On this note the Governor wrote, "I am very much obliged to Mr. Bryan and agree with his views," so that on investigation it was found that the nearest reliable guide that could be taken in these matters, so far as Lahore city was concerned, was the census figures. I will dispose of the rationing figures by adding one or two considerations to those which have already been mentioned from the Commission. Apart from the fact that as many as 51 revenue estates are not included in the rationing area, whereas they are included within the corporation area, there is this further fact that the railway workshops which have an overwhelming majority of Muslim labour have a separate rationing system of their own which is not included in the municipal rationing system. That again works in favour of the Muslim factor in the population. Surely, then though there is not a large number of rationing cards, yet a large quantity of rations is issued to *nanbais* and *tandoorwalas*, that is, Muslims and non-Muslims and the figures show that the Muslim *nanbais* have a very much larger quantity of rations issued to them than the non-Muslims. Apparently people who do not cook for themselves and do not draw their own rations on ration cards, e.g., labourers, etc., would be eating at the *nanbais'* shops and that also shows a considerable excess running into some thousands of Muslims. Those are general considerations which will show that the rationing figures would not be a safe guide in any case for the purpose of determining the factor of the population but even those, according to the other side, show 53 to 54 per cent majority of Muslims in Lahore areas.

MR. JUSTICE DIN MUHAMMAD: *Nanbais'* shops are sort of restaurants?

SIR MUHAMMAD ZAFRULLAH KHAN: They are restaurants for the poorer people. Bread is baked and some kind of meat and vegetable is supplied and people obtain cheap meals at all times of the day.

Another factor to which I wish to draw your attention with regard to the population of Lahore is the comparative stability of the Muslim population as compared with non-Muslims in Lahore city. This I do in the following manner. I tell you the numbers of population of various communities in the age groups of 10 to 15, 15 to 20 and 20 to 30 and compare them with each other. The 20

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to 30 is a group in which there is a large proportion of immigrant population in the sense that labourers and people who pursue clerical occupations and employment come into the capital, as Lahore is, to seek employment. They are not permanent residents. This proportion will show which of the communities have a larger proportion of that kind of floating population. Muslims[1] between 10 to 15 are 25,739, between 15 to 20 they are 29,197 and between 20 to 30 they are 57,704. You will see that the proportion of the first group, 10 to 15, to the third group 20 to 30, is slightly over twice. In the first group Hindus are 13,246, in the second group 17,874 and in the third group they are 36,043; 13,000 to 36,000, rather under three times and considerably over 2½ times. Sikhs in the first group are 2,040; in the second group 2,969 and in the third group 6,089, three times as many as in the first group. So the point that was sought to be made was that there is a good deal of floating population among the Muslims but not so much among the non-Muslims. By analysing these figures of Lahore, you will see that there is nothing much in that factor and if any, that factor is in favour of the Muslims.

A further factor which shows the stability of the Muslim population is the proportion of married males to unmarried males in the population. In the city of Lahore according to 1931 Census—because 1941 Census has not given these particulars—among the Hindus the proportion of unmarried males to the population was 45.4 per cent; among the Sikhs unmarried males were 56.6 per cent and among the Muslims 40.4 per cent. That again shows the comparative stability of the population in favour of the Muslims. This last table has been worked out in the form of a graph of which I submit copies to the Commission.

Another factor on the floating population is this—my friend Sardar Harnam Singh drew attention to that fact—that in what it is described as floating population of the Muslims was a certain proportion of mendicants. Why should these mendicants come in for any purpose? They merely live upon the rest of the population. They are parasites. Here is something to give some indication of the proportion of mendicants among the non-Muslims. This is an extract from the *'Pakhand'* number of the *'Karanti"*, Lahore, October 1932. On page 51 it says:

[1] ***These figures are based on the 1931 Census.***

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> Such sadhus as are frauds, cheats, thieves, thugs and fornicators enjoy their day as *Eid* and their night as *Shabraat*.

MR. JUSTICE DIN MUHAMMAD: *Eid* and *Shabraat* are the two festivals of Muslims?
SIR MUHAMMAD ZAFRULLAH KHAN: Yes.

> They go to Hindu *mohallahs* and cry out the names of Hindu gods and goddesses, and they go to Musalman quarters and shout out the name of the Holy Prophet; and thus collect a few rupees everyday and provisions to boot. When these people get this charity everyday, what fool would give it up. They live a free life and also get enough money. They can go and enjoy everywhere they like. They do not have to pay any railway fare, also they can very easily enjoy pleasure trips all round...

They generally travel without tickets. After all when they are caught, they are sent to jail. In jail they get free quarters and free rations.

> These votaries of freedom are about 1¼ crore in the country. This number does not include the mendicant females. If the females are also counted the number will rise to 1½ crores.

Considering that the Caste Hindu population of India, as roughly given, is 15 crores, 1½ crores, if it is anywhere near the correct esimate, amounts to be 10 per cent. Again, these are small matters. These are not matters under investigation, but they have been dragged in on the other side in order to show that the Muslim majority ought not to come out of the figure which is shown in the census for the purpose of demarcating the boundary. I have not brought these factors in; they have been brought in by the other side but here is a reply from their own sources that they have as many as 10 per cent of this type of population included among them.
BAKHSHI SIR TEK CHAND: In the Punjab?
SIR MUHAMMAD ZAFRULLAH KHAN: No in the whole of India. The Commission is not dividing the whole of India. If there is among a community a population of that kind and that population floats about, travels free on railways, gets free hospitality everywhere, it cannot be predicted that they would never have been found in the Punjab in large proportion to their total number

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on the night of the final enumeration of the census.
This is with regard to Lahore which was taken as a typical instance by the other side to show that the Muslim majority figures should not really be taken as they are entered in the census report.

I now come to the general considerations with regard to the census that were put forward. Here are some observations by the Census Superintendent, Mr. Yeatts, made in his report to which it would be worthwhile drawing the attention of the Commission. At page 10 of his Introduction to the 1941 Census Tables, he says:

> I was determined not to put my name, or to allow any of my officers to put his name, to a suspect record and before the enumeration was over, instructions for scrutiny and purification were in the hands of the officers concerned. The corruptions referred to were dealt with before the tables were prepared.

Referring to the system of enumeration adopted in 1941, he says:

> Thus we approached the 1941 enumeration with a much more powerful system than had existed in the past and it was just as well. For I do not believe that any acceptable record could have come in the contentious areas from the one-night operations of the past.

So that according to the Superintendent, the procedure was much better and more strict precautions were taken in 1941 to obtain a true picture. Further he goes on:

> The issue went to show that even in these regions of turmoil and clamour and communal frenzy the citizens were better than their detractors had imagined. Only in one area was no acceptable record possible, but here too we were able to produce a perfectly sound figure of population. Our house lists had given the general dimensions. The vital statistics for this area are of high quality and—a most important fact—are taken by community. Consequently the 1931 figures of community distribution along with the vital statistics and corroborated by the house list gave a sound figure for the population and this has been embodied in the tables.

Mr. Yeatts then goes on to remark about the increase of the Punjab and Bengal:

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The increase is by no means uniform, although a greater figure than for the previous decades is practically universal. Rates are noticeably larger in the north than in the south and have two distinct peaks in the extreme west and north-west and in the east. In fact we have in the Punjab and Eastern Bengal two swarming areas. Both are comparatively young from a habitation point of view. The Punjab irrigation is by no means ancient and when applied was applied not to a land with a substantial settled population and long local practice, but to a semi-desert. So, as it were, it started from scratch. The Punjab phenomena show themselves this time in Bikaner where the Sikh has followed the water and produced a 40% increase. Similarly in Bahawalpur, where you have an empty country suddenly presented with the means for filling it, the filling process starts at a high speed. In effect you have an open frontier. America had the open frontier too, although it presented itself there in a different form. In essence, however, the phenomenon was the same, i.e., empty lands suitable for habitation, or in other words for swarming. The differnce is that in America the empty lands were suitable from the beginning. In the Punjab they were unsuitable till the water came. Once they were suitable, the human tide flowed.

Regarding East Bengal, he observes:

In East Bengal, we have another kind of new country. From a habitation point of view it is far younger than West Bengal. It has a practically unfailing water-supply and the river floods have a healthy and cleansing influence as well. We have, therefore, this land, whose inhabitants taken all over are on a lower level of living than West Bengal multiplying freely while increased capacity proceeds. In other words, their frontier is open too.

India as a geographical unit and as a home of civilization is old, but within that oldness it covers also much that is new, a point which it is important to bear always in mind. Moreover, though old, it is not necessarily static and when new circumstances come, new effects will follow. The basic point remains that when a country is empty and the means of filling it come, it will be filled.

As far as the increase in the Muslim population is concerned, Mr. Yeatts is of the opinion:

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The Muslim figure can be regarded as practically unaffected by the tribal origin question and here we have the record of gradual increase which previous decades had already presented and for which the reasons have been discussed at some length in the reports of these years. The Bengal component is practically unaltered and the Punjab one increased by about ½ of 1%. The most noticeable rise is in Assam and once again represents migration from Mymensingh and East Bengal generally. The Bihar figure is up by over 1%. Some provinces show a slight drop in the ratio, among them Sind, where there is a fall of about 2%, Ajmer of about the same dimensions and Kashmir less than 1%.

Here is another test by which figures generally can be tested. I give the Commission a statement showing community-wise calculations of population on natural increase basis (births minus deaths) and its difference with the census figures of 1941.

	Muslims	*Hindus, Sikhs, Jains, Scheduled castes*
1941 Census figures community-wise	1,62,17,242	1,13,46,006
1931 Census figures community-wise	1,33,32,460	94,28,016
Community-wise excess of the 10 years	28,84,782	19,17,990
Community-wise birth figures for 1931-40	59,37,537	43,95,807
Community-wise death figures for 1931-40	33,11,779	26,25,637
Community-wise excess by this method for 1931-40	26,25,758	17,70,170
Community-wise difference, i.e., excess of recorded figures over natural increase figures	2,59,024	1,47,820
Community-wise percentage of this excess over natural increase	1.59[1]	1.30[2] (i.e. in excess of 29%)[3]

That again shows that there is not any very great disparity and there are some reasons for this disparity also. The whole of the case submitted on the economic basis on the other side has best been on the consideration that the Muslims are the poorer section of the population of the Punjab. If there are any omissions in birth reports it would obviously be that the proportion of omissions would be larger in the case of the poorer and the less educated and more illiterate community than would be in the case of richer, better educated and more urbanized community, the non-Muslims.

[1] *This figure ought to be 9.86%.*
[2] *This figure should have been 8.35%.*
[3] *Actually 1.51% (in favour of Muslims).*

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Secondly, there is a certain amount of conversion going on all the time which affects the census figures in favour of the Muslims. Taking these factors into consideration the percentage on the basis of natural increase shows that there is not very great excess in the case of either the Muslims or non-Muslims. The total figures are capable of reasonable explanation.

Now, sir, one point that was sought to be made on the other side was with regard to what was suggested as a very large increase shown in the census figures of 1911 in regard to the figure of *Musallies*, i.e., converts to Islam from the depressed classes. I must again emphasize that it is true that the Commission is not holding an enquiry into the census report. It is not a part of its functions and therefore when I go on to deal with this matter that has been raised on the other side, it may not be taken to mean that I move from my position, that the census figures of the year 1941 are correct. A sort of vague cloud has been raised with regard to the Muslim figures and I have to make the position quite clear. Pandit Harikishan Kaul, Census Superintendent, was referred to as having commented on the abnormal rise in the population of *Musallies* in the Punjab from 57,410 in 1901 to 3,09,568 in 1911, which he thought would indicate that in some places *Churas* have been returned as *Musallies* in 1911. There are many answers to it but I will confine myself to one proof alone. If these figures in 1911 had been unduly and wrongfully inflated after attention was drawn to them in 1911, they would have been corrected in 1921 and later on in 1931. In 1921 instructions were issued that these classes were to be given an option of stating their religion. Previously all used to give 'Scheduled Castes'.

And it was only when they stated no religion, and, in the case of census of 1931, also when they stated that they were not even Ad-Dharmis, that they were to be jumbled together as 'Scheduled Castes'. Subsequent figures have been taken on that basis and on that basis we find that in 1931 the number had increased to 4,12,300. In 1921 it had been 3,61,098. So that from 3,09,568 in 1911, they rose to 3,61,098 in 1921 and to 4,12,300 in 1931. Their increase between 1921-31 was 14.2%. The general increase in the Punjab was 14 per cent. Had it been the case that the figures which the enumeration of 1921 showed had been wrong in the sense that those among the depressed classes who were not con-

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verted to Islam were included wrongly or artificially in the Muslims, there would have been some indication of the decline in the later years. General proportion has been rising in accordance with the general rise in the population and this supports the conclusion that the figure of 1941 is correct.

I said I will give you the figures of the rations supplied to the *nanbais* and *tandurwalas* in Lahore. They were not available at the moment. I will hand over the table. These figures are for the Muslims 7,23,849 units, non-Muslims 3,19,855. Now assuming that two units are to be accounted for one and that these units are for weekly rations, the population being fed at these places would work out as Muslims 51,703—that is 1/14th of the total (at 14 units a week for one person)—and non-Muslims 22,846. In this note[1] the last paragraph relates to the influx of labour during war years but that is really not relevant to this part of my argument. That was subsequent to the 1941 Census. That alone gives an excess of Muslims to just about 29,000.

The 1931 Census was also criticised because of the large rise in the population during 1921-31. The Census Superintendent in his report at pages 63 and 64 has said :

> The increase during the last decade is phenomenal, and was certainly not expected, particularly when it was realised that the number of deaths caused by the influenza epidemic of 1918 in British territory alone was about a million, out of which the deaths in the reproducing section (aged 15—40) were 4,17,699.

The actual epidemic was before the period included in the census but that should have had the effect of somewhat slowing the rate of increase. The recuperative power of the province is, however, well known after epidemic and famine and it soon recovered its former level and the death rate is low. At page 64 he says:

> It is, however, obvious that the population is gravitating towards south-west, where the canal colonies are situated. In this part the population is growing apace, and the rise in the Montgomery district is as large as 45.8 per cent, in Multan 32.1%, and in the Bahawalpur State 25%. Of course, the main cause is the influx of cultivators into these areas as a result of colonization.

[1] *Appendix XI, infra.*

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Now, sir, again a contention was made to the effect that in these three districts, particularly Dera Ghazi Khan, Multan and Montgomery, the rise had been very large, almost phenomenal—Dera Ghazi Khan 28.4%, Multan 28%, and Montgomery 32.9%—and it was contended that these being large Muslim majority areas somehow there was something wrong here that the rise was so great that the figures were probably artificially inflated. Dera Ghazi Khan is a very sparsely populated district and apparently the district is very difficult of access in most of its parts. The system adopted by Mr. Yeatts of strict enumeration brought in results for the first time and in any case the increase in the sparsely populated district would not make much difference to any body.

The real big increases are in Multan and Montgomery. We find in 1931 the total population of Montgomery was 9,99,772. The Muslims were 6,97,542. In 1941 the total population rose to 13,29,103 out of which the Muslims were 9,18,011 and the non-Muslims were 4,00,192. The Muslim rise in population was thus 31.6% and the non-Muslim rise 39.9%[1]. Now if it is suggested—I am not suggesting it—that the rise in the population indicates artificial inflation, who was guilty of artificial inflation on that proportion? But I do not suggest anything of the kind on one side or the other. There are natural reasons for the increase. The area is a colony area and as you know large tracts were being brought freshly under cultivation and there was a large influx of population from outside as well as a large increase owing to the new areas being colonized as Mr. Yeatts has said, where there are places to be filled with means for filling it, the filling starts and that is what has happened.

But apparently the increase was much larger in the case of the non-Muslim population than in the case of the Muslim population and that is also due to the fact that possibly in proportion a larger number of them came in to populate the new colonies, that is, in

[1] *The population figures of Montgomery district according to official sources, were as follows:*

	Muslims	Non-Muslims
1941 Census	*9,18,564*	*4,10,539*
1931 Census	*6,97,542*	*3,02,230*
Increase	*2,21,022*	*1,08,309*
Percentage of increase	*31.6*	*35.8*

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proportion to their original population in these areas. The same is the case with Multan district. The total population of Multan in 1931 was 11,59,549. Out of these the Muslims were 9,30,654 and the non-Muslims 2,23,908. In 1941 the total population rose to 14,84,333. Out of these the Muslims were 11,57,186 and the non-Muslims 3,14,233, so that in this decade the Muslims increased by 24.3% and the non-Muslims by 40.3%[1]. Again the figures speak for themselves. If the other side insist, as they insisted, that this shows something nefarious—if there was anything nefarious at all—I do not suggest any and I think it was reasonable—the blame was on the other side, not on the Muslim side.

Another reason suggested as to why the non-Muslims had not been correctly recorded in 1921 and 1931 was that in 1921 there was a boycott of the census by both the principal non-Muslim communities, the Hindus and the Sikhs; the Hindus owing to the non-co-operation movement and the Sikhs owing to the massacre at Nankana Sahib which had taken place on the 21st February 1921, fourteen days before the enumeration. In the first place, I fail to see why, even if there was non-co-operation, and even if there was a massacre at Nankana Sahib, it should have had the result of persuading the communities to say, 'we do not wish to be shown in the census at all as being the residents of this province'. No evidence has been produced that they really refused to be enumerated or that a sufficient number of enumerators was not forthcoming from these communities. Then everybody is aware that till the last elections in this province, the Congress was practically out of the picture in the Punjab.

We put in an application asking for the number of people, non-Muslims, who had resigned government posts in 1919, 1920 and 1921 on the grounds of non-co-operation and the replies that have come in show that not one of them did resign. The Accountant-General has no doubt stated that a certain number of non-Muslims were permitted to resign, but it is impossible now to find out whether any of them resigned on account of non-co-operation.

[1] *Official figures of population of Multan district are as follows:*

	Muslims	Non-Muslims
1941 Census	*11,57,911*	*3,26,422*
1931 Census	*9,42,937*	*2,31,961*
Increase	*2,14,974*	*94,461*
Percentage of increase	*22.8%*	*40.7%*

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There may have been a reduction in the posts. All other departments have said 'blank, blank'.

Now about this massacre at Nankana Sahib. I do not see why it should have had that effect. It is just an allegation and no more. But lest there should be any misunderstanding in the mind of the Chairman who is not expected to be familiar with details, particularly minor details, in the history of the province, it is just as well to point out, as the Commission is aware, that the massacre was the result of a dispute between the Hindu *mahant* of the gurdwara and the Akali party who claimed that the gurdwara ought to be managed by them. It was not a Muslim-Sikh dispute at all. This matter has been adverted to by the Census Superintendent—the question of non-co-operation and so on—in his introduction to the *Census Report*, at pages *(iii)* and *(iv)* of which this is interesting:

> The census of 1931 was held during a period of political upheaval accompanied by economic depression.

One fact which I forgot to mention and which I would like to mention now is this. We had also asked for the number of members of the Punjab Legislature at those periods, who belonged to the Congress party. Very curiously the reply has come back from the Secretary, Sardar Bahadur Sardar Abnasha Singh, that it is impossible to supply the number on any sure basis. Those of you and all of us who have anything to do with the Legislature can quite well appreciate that there is a method which, if the Secretary had chosen to comply with the request of the Commission, could have been determined from the records of the Legislature in five minutes and no more. I have great regard for the capacity, ability, intelligence and diligence of Sardar Bahadur Sardar Abnasha Singh. He is a very good friend of mine but I am sure he could get the numbers very easily.

To go on with the Superintendent's report:

> The people knew that the future constitution of India was being moulded, and that their political rights mainly depended on the census figures. In these circumstances, the various communities made efforts to secure their full representation by having all their individuals recorded in the census schedules.

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It is not shown that in 1931 any one was affected by non-co-operation. It goes on to add:

> In some cases they did not hesitate to swell their numbers by unfair means. The menial classes (mainly *Chamars* and *Chuhras* of Central Punjab) in order to consolidate their position, wanted to return their religion as "Ad-Dharmis". A tug-of-war started in some districts, and Ad-Dharmis were required by Sikhs and Hindus not to return themselves as Ad-Dharmis, particularly in Ambala, Ludhiana, Ferozepore and Lyallpur the Sikh land-owners employed all sorts of measures, not infrequently bordering on terrorism, to secure the return of religion of *Chuhras* and *Chamars* as Sikhs.

This observation is supported by the following footnotes :

The Deputy Commissioner of Ambala (Mr. Sheepshanks) in his report on the census operations says:

> The Sikhs did increase their number by all possible means. They persuaded their *kameens* (village menials) and others to give their religion as Sikh. They started a regular propaganda in most of the villages. For instance, in village Kainaur this propaganda was carried to its extreme, and the *Mahajans*, *Chamars* and even Christians were forced to give their religion as Sikh.

The Deputy Commissioner of Ludhiana (Mr. Connor) remarks :

> The proprietary bodies of villages put great pressure upon their *kameens* to return themselves as Sikhs, and I think they succeeded to a great extent in some villages.

The Deputy Commissioner of Ferozepore (Mr. MacFarquhar) says :

> Ad-Dharmis were really anxious to consolidate their position as a separate community, but on those residing in rural areas great pressure was brought to bear by their Sikh landlords to return themselves as *Mazhabi* Sikhs or Sikhs instead of Ad-Dharmis. Many such Ad-Dharmis had to yield under the pressure, they being the village menials generally.

The Deputy Commissioners of Lyallpur, Lahore and Sheikhu-

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pura have made similar remarks.

That is the footnote. In his report at page 80, he says:

> The effect of bogus entries made to swell the census figures to some extent counteracted by cases of omission and also by the scoring out of entries, referred to above. Having given the matter my careful consideration I estimate that the process of the artificial swelling of figures has resulted in an error representing not more than 1% of the total population.

Again, the fact has been commented upon that the increases or decreases or the rate of increase or decrease so far as a comparison between the Hindus and Muslims is concerned, keeps on varying generally in favour of the Muslims but that is easily explained by the fact that, on the whole, certainly during certain periods, there are much bigger increases in favour of the Sikhs. Wherever you see, everybody is increasing but the Hindus have a comparatively slow rate of increase. You find on the other hand that the Sikhs have a particularly high rate. Whenever that factor is noticed on the Hindus' side, it is counteracted on the Sikhs' side which is explained by the reason that these two communities are to a large extent interchangeable. For instance, in the *Report* on page 293, the Census Superintendent says:

> The main conclusion is that the varying strength of the population returned as Hindu or Sikh in the Punjab States is due to social causes that are at work in that section of the population from which both Hindus and Sikhs are drawn. The Akali Movement during the last decade is mainly responsible for the numerous persons being returned as Sikhs instead of Hindus. Such persons for the most part comprise members of depressed classes, agriculturists and artisans in rural areas, who obviously consider that they gain in status as soon as they cease to be Hindus and become Sikhs.

Then he goes on to discuss on page 294 the same phenomenon:

> The main cause for discarding of Hinduism by some of the agricultural and artisan classes in the Central and Eastern Punjab is the enhanced prestige gained by agricultural tribes in the countryside by their becoming Sikhs.

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The process might have been stimulated by the rulings of the Punjab Chief Court that even 'jats' were *'shudras'*. I have no objection to being classed as a *'shudra'*.

The main cause for discarding Hinduism by some of the agricultural and artisan classes in the Central and Eastern Punjab is the enhanced prestige gained by the agricultural tribes in the county-side by their becoming Sikh. In the instance quoted in the last paragraph a *mali* gains in prestige by becoming a *saini*, *mali* being a distinctly inferior term. The Jat in Jullundur and Hoshiarpur, if a Hindu, is looked down upon by his Hindu Rajput neighbour and so he becomes a Sikh. On the other hand in the south-east of the province, i.e., in Rohtak, Hissar and Gurgaon, a Hindu Jat takes pride in his caste and even looks down upon a Brahman, who in those districts is not a priest but like him a tiller of the soil. Similar influences are operative in the case of such tribes[1] as *tarkhan* (carpenter), *lohar* (blacksmith), *julaha* (weaver), *sunar* (goldsmith) and *nai* (barber) as we shall see in Chapter XII on Castes.

Another factor that was referred to was the comparatively smaller increase of population in south-east areas as compared with some of the north-western. That again is explained by the colony factor. As a matter of fact the figures that I have given with regard to the increase community-wise in Montgomery and Multan districts explain that phenomenon that some of the increase in the East Punjab, which would have been shown there, had there been no movement of population, is reflected in the larger increase of the non-Muslim population in the Montgomery and Multan districts.

I have got notes here from various writers on these matters to which I shall draw your attention. These notes have been raised on some of the subsidiary matters of the census. The Muslims not only increased at a faster rate in the Punjab, but they have increased faster in other parts of India also. For instance in Madras East Coast (North) the increase recorded was:

In 1901	Hindus	7.2 %
	Muslims	12.7 %
In 1931	Hindus	11.3 %
	Muslims	18:2 %

[1] *Actually trades.*

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Madras East Coast (South): the increase was:

In 1901	Hindus	5.3 %
	Muslims	5.7 %
In 1931	Hindus	3.9 %
	Muslims	10.0 %

Indo-Gangetic Plain (Central)—the following was the increase:

In 1901	Hindus	0.9 %
	Muslims	3.9 %
In 1931	Hindus	4.4 %
	Muslims	9.3 %

Indo-Gangetic Plain (West):

In 1901	Hindus	8.8 %
	Muslims	13.0 %
In 1931	Hindus	5.2 %
	Muslims	10.5 %

Central India Plateau:

In 1901	Hindus decreased by	8.7 %
	Muslims decreased by	4.8 %
In 1931	Hindus increased by	8.6 %
	Muslims increased by	10.9 %

We have to see how many Muslims are supposed actually to have come into India from outside during the whole of her history; it is a very small proportion of the total of Muslim population. The rest of the population is all the result of increase by conversions and there are many other natural reasons for this increase, that is to say, birth rate may be higher, death rate may be lower. In any case it is a universal phenomenon that the poorer community, by freak of nature, grows faster in population[1]. The actual details need not be gone into. Take one factor which is being adopted to some extent by a higher intellectual, better educated, more urbanized and more intelligent section of even the Indian society and that is the tendency to adopt measures of birth control. I am at liberty to say that Muslims have nowhere shown any inclination to adopt this tendency. They regard, rightly or wrongly, this practice as being contrary to their religion. To whatever small extent it may have been adopted or advocated in India, it has been adopted and is being advocated in the higher, educated, wealthier and more intellectual class of the non-Mus-

[1] *The last part of the sentence reads as follows in the original record:*
"..., by peak of nature, is economically faster and grows in population".

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lims. That, in course of time, will have its effect. You cannot for economic reasons control the growth of population. Then there is this factor that there are certain social factors in the fabric of Hindu society which again arrest the rate of their growth in population and that is the ban against widows to re-marry, which used to be absolute until a few years ago, but is now to be relaxed in certain areas or among certain sections under the influence of Arya Samaj. But the relaxation is very small as compared with the section over which this ban still operates.

The figures that I gave with regard to Madras were taken from Professor Sovani's book.

With regard to the particular increase in the Punjab, I will refer to the book *India's Teeming Millions* by Professor Gyan Chand. On page 63 he says:

> The most outstanding feature of the economic position of the Punjab and therefore of its population has been the extension of irrigation to tracts which were practically uncultivable but which now have become some of the most prosperous districts of the province and have provided an outlet for the population of the more thickly congested districts of the province.

I shall now refer to what Mr. Sovani says in his book *Population Problem in India.* He says (P.183):

> Changes in number and distribution of population in a given region over several years often present important clues regarding the economic resources and other assets and liabilities of that region... In the north-west dry area, Punjab and Sind, the curve of population growth has closely followed the development and growth of the vast irrigation projects of those regions.

The reason why Sikhs have increased more in population than the Hindus has been given by Prof. Radha Kamal Mukerjee in his pamphlet *An Economist Looks at Pakistan.* He says:

> ...as many as 5,42,596 persons, mostly Hindus, were assimilated into the Sikh community. Thus each European war leaves a legacy of an increased Sikh population apart from the effects of deliberate conversion.... Socially, due to later marriage and and marriage of widows, the Sikhs show a higher fertility rate

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than most Hindu castes.

He concludes by saying:

> This is a tendency which is encouraging as the Sikh community so far has been a staunch defender of the Hindu spirit and traditions. If all the Hindu castes within the Sikh block of territory except perhaps the Brahmin and the *Khatri* go over to Sikhism, as is exceedingly probable, then the Sikh 'homeland' will become still stronger in number, wealth and solidarity.

That explains the anti-Pakistan slogan of the Sikhs. The defenders must be Sikhs.

Now I come to the general census. I submit that if any enquiry or an examination were to be held for some very vital purpose in regard to the census figures, I am sure that there might, here and there, be a difference of a few thousand. But as the difficulty in the way is as to time, for the present purpose, the safe guide before us would naturally be the census figures of 1941. You will have observed that in his reply to the letter sent up by the Commission, the Private Secretary to the Viceroy said that it was not necessary to include any map for the purpose of appreciating the plan that was put to the Viceroy on behalf of the Sikh community and as a result of which the Viceroy was astounded to find that any division of the Punjab was bound to divide the Sikhs almost into halves. He says that any population map, read with the figures of 1941, would reveal that situation. There is no other evidence. You have not been told to embark upon any such thing as to taking the census and even if you had the authority, it would not be possible for you because of the time factor which forbids you to proceed in that direction.

MR. JUSTICE DIN MUHAMMAD: With the 15th of August staring in our face, we could not think of that.

SIR MUHAMMAD ZAFRULLAH KHAN: That is why it has not been contemplated for you to enter into any detailed examination of the census figures. If, however, anybody were to embark upon that investigation, I am perfectly confident that as compared to 1941 the proportion of the Muslim population is bound to be higher than that of any other community.

MR. JUSTICE DIN MUHAMMAD: Provided the persons in charge

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of the work become angels.

SIR MUHAMMAD ZAFRULLAH KHAN: All precautions that human ingenuity can think of could be taken. If during your discussion with the Chairman on the cool heights of Simla the Commission is asked to inform the Chairman with regard to the exact line of the topographical map, that would require very detailed investigation.

Now, sir, I come to the economic problem. In this connection, I do desire, even at the risk of repetition, to state that economic considerations do not come within the purview of the enquiry upon which the Commission is engaged and cannot and should not influence the Commission in the discharge of its function which is the demarcating of the boundary between two parts of the province on the basis of ascertaining the majority areas of Muslims and majority areas of non-Muslims. It is no doubt true that in demarcating the boundaries on that basis the Commission may take into consideration other factors. This juxtaposition does not in any sense lend itself to the interpretation that the overall economic considerations can be taken into account and a portion of the province can be shoved on to one side or the other on the basis of those considerations.

In this connection I might again draw attention to the Viceroy's observation during his press conference. When a direct question was put to him whether landed property would be taken into consideration for this purpose, he said that the basis of landed property would not commend itself to the British Government for this purpose. He said, "Not at all events, this British Government"[1]. My learned friend on the other side said that the Viceroy was giving only an expression at that time to the attitude of the British Government and that he was not announcing an interpretation of other factors. The Viceroy, and particularly this Viceroy is a very busy man; he has tremendous problems to grapple with at almost lightning speed. He was on the 4th June during his press conference doing nothing but interpreting the statement of His Majesty's Government which had been announced the previous day and though a person in that position, ever pressed for time, might let occasionally facetious expression or observation escape him, he would not to a question as important as that and to the

[1] *Vol. I, p. 137.*

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exposition of which a greater part of the argument on the other side was devoted, have evaded a reply by making a frivolous observation on what His Majesty's Government might academically think. What the sentence obviously means is this: I am interpreting the statement made by His Majesty's Government. It is not at all likely that His Majesty's Government should have taken the basis of landed property into consideration when framing the language of paragraph 9[1] and you may be further sure on this point that that basis cannot form a factor in the resolving of this problem, as you are aware that of all the governments—His Majesty's Governments that have been, this particular one was least likely to have countenanced any such thing. He was interpreting the language of His Majesty's Government. He says that His Majesty's Government could not have meant this, most certainly this Government of His Majesty's could not have meant it. That was merely an expression of the Viceroy's opinion with regard to the academic views held by His Majesty's Government, he could have gone on to add—but he did not—that that might be the feeling of His Majesty's Government on that matter, but it is open to the Commission if they can be persuaded so to interpret these terms as to take into account the basis of landed property. Therefore both from what he said and also from what he did not say in answer to this direct and extremely important question, the conclusion is inescapable that economic factors cannot be taken into account for determining this problem.

After that submission I add this general observation again. I have said it in the memorandum[2] and I repeat it again that one of the urges behind the Muslim League claim or rather behind the Muslim League insistence upon separation was the economic factor. The Muslims had come to believe that they had in the past been exploited by the more advanced, better educated, better trained majority community and that the only way of relief open to them was that in areas in which they were in a majority they should have a predominant voice in settling the policy and in checking exploitation, in reducing the handicaps under which not only they but even certain sections of the non-Muslims were also suffering. It is therefore not only extremely unlikely but it is

[1] *Vol. I, p. 6.*
[2] *Vol. I, p. 293.*

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utterly impossible that the League should have joined in framing terms of reference which would leave that possibility open, namely, that the results of past successful exploitation should be taken into account with the result that the Muslims should be deprived of areas in which they are in a majority merely because in the past large profits were made out of their toils by the other community. As I have said that would be heaping injustice upon injury. That would not be possible. I might again draw attention for a moment to the interpretation sought to be put by the other side upon the second sentence of the 'Terms of Reference'— "In doing so, the Commission will also take into account other factors". 'In doing so ', i.e., in demarcating the boundary on the basis of ascertaining the majority areas of Muslims and majority areas of non-Muslims. This is the principal function in demarcating the boundary on that basis. The basis is the population, the basis is the majority factor. There is no other basis which the Commission has to take into account. The boundary may be deflected here and there by the influence of other factors and not that the other factors shall override or shall have equal force with the population factor.

To introduce the discussion of the economic factors, I would like to draw the attention of the Commission to the observations of the Rt. Hon. Mr. R.G. Casey, an Australian statesman, who was for a short time the Governor of Bengal. He has recently published his impressions in book form. The book is called *An Australian in India*, published this very year, 1947. Some of Mr. Casey's qualifications are given on the title page as 'Australia's Minister in Washington in 1940—42; Minister of State resident in the Middle East and Member of War Cabinet of the United Kingdom 1942-43; Governor of Bengal 1943-46'. Mr. Casey was for a long time in the Australian Government at Canberra from where he went to Washington as Minister in 1940. He had a great share in putting the finances of Australia on a firm basis. He represented Australia in the 1937 Imperial Conference. This is what he says at page 73 of his book:

> The Caste Hindus have dealt with the Muslims with the minimum of warmth and generosity or even fairness. When and where the Hindus have been in the saddle, the Muslims have had the rough end of the stick. The Caste Hindus have given the Muslims little

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evidence that they believe in a fair deal and they deny them a fair deal.

He goes on to say:

> What is the reason for their intensity of feeling towards the Caste Hindus? There must be something of real importance to explain the Hindu phobia of the Muslims which makes them so passionate and uncompromising; so determined not to be dominated by Caste Hindus. It is essential to answer these legitimate questions if the present state of high tension in India is to be understood and if disaster is to be averted. I believe that the present state of mind of the Muslims can be analysed into two principal factors—one that can be called "the memory of past humiliations" and the other "the lack of present economic opportunity". Each of these needs some explanation.
>
> Firstly it has to be realized that, for the last 50 years at least, the Caste Hindus have been the "haves" of India and the Muslims have been the "have nots". By this I mean that in all intellectual pursuits, in wealth, in education and in the ability to lead reasonably comfortable and sophisticated lives, the Hindus have been on the top and the Muslims some distance below.

I omit certain passages where he goes on to describe these aspects. Then he says on page 75:

> Notwithstanding their earlier neglect of education, the Muslims are now coming on fast but they have left their run rather late. By reason of their several generations of modern education and sophistication and participation in business and affairs, the Muslims find the Hindus today firmly ensconced in practically all the business activities of India, and the Hindu-Muslim feeling is so keen that the Hindu owners and managers of enterprises are careful to employ only Hindus, so that the opportunities for employment of educated Muslim youths are limited. To a very large extent throughout India, the mills, factories, workshops and merchant houses are Hindu (or at least non-Muslim)-owned and controlled. And it is not too much to say, as regards employment in the great majority of Hindu-controlled businesses, that "No Muslim need apply".

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> It is easy to understand the resentment that this creates and to appreciate the determination of the Muslims to get a place in the sun and a fair economic chance for themselves and their children.

Then a paragraph later he says:

> In other words, I believe that the principal present day motive behind Pakistan is economic, the urge on the part of the Muslims (particularly in the cities) to advance themselves economically in the world and to get away from being the hewers of wood and the drawers of water for the Caste Hindus.

This is his analysis and I do not think it could be argued that it is not a fair picture.

S. HARNAM SINGH: It is a wrong picture and not a fair picture.

SIR MUHAMMAD ZAFRULLAH KHAN: And yet the Commissions's attention has been invited to the large number of what has been described as non-Muslim factories, non-Muslim business, non-Muslim insurance companies, non-Muslim business concerns. If what has been quoted by me is wrong, what should have happened should have been—I should have drawn attention to non-Muslim business, non-Muslim insurance companies, non-Muslim business houses, non-Muslim commercial enterprise's, non-Muslim factories and it should have been indignantly repudiated by the other side that 'they are not non-Muslim, Muslims are freely admitted'. But they have brought it on record that these enterprises are non-Muslim. S. Harnam Singh says that this is a wrong picture. We are told with pride that there are more than a hundred non-Muslim banks but Muslim banks are very few and their capital negligible; that there are 38 non-Muslim insurance companies but the Muslims have only two and their activities are very little. *(Laughter).* That is their own contention; it is not mine. If the picture had been wrong this contention should have been repudiated by the other side.

After this picture of the urban position we will come to the rural also. I was about to add, when Sardar Harnam Singh made his very wise observation, that that being the picture—at any rate put it this way that that being the picture as the Muslims saw it, was it likely that the Muslim League would have agreed to any

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phraseology in the terms of reference which would first, on paper, give them the majority Muslim areas of the province and then, on drawing up of the boundary line, take a greater part of that area from them, because they had in the past sufferred from this exploitation? The proposition is absurd. That the kind of thing that Mr. Casey has commented upon is regarded as a legitimate economic weapon—and is so regarded even by the Sikhs, lest S. Harnam Singh should say that however much that might apply to his partners in argument, *[that]* does not apply to him—will be borne out by this placard which has been published on behalf of the Shironmani Akali Dal.

I set myself yesterday to the painful and sorrowful duty of explaining to the Commission how the most regrettable disturbances and disorders, which have so heavily besmirched the fair name of the Punjab during the last few months, started early in March. Whatever the origin, the Sikhs have suffered. Therefore one has sympathy with them. One can understand their resentment. In these disorders, forgetting for the moment how they originated, they ultimately did suffer. Therefore to some extent one can understand that they would be feeling very sore but the way they want to correct that position is this. Here is the Urdu rendering and I will read out the English translation:

Instructions issued by Shiromani Akali Dal to the Sikhs

Open eyes of the Muslims of the Punjab: an implicit reply to the Pakistan oppression

Programme of social boycott

One shudders on reading an account of the cruelties which the Pakistani Muslims of North-West Punjab and N.-W.F. Province have inflicted on the Sikhs and Hindus. Thousands of innocent Hindus and Sikhs have been murdered. Their houses and their belongings have been destroyed. Children and women have been done to death mercilessly. The women have been subjected to ignominious treatment; sacred gurdwaras have been razed to the ground. Property and goods worth hundreds of crores of rupees have been looted and put to fire. The oppressors have defiled the sacred volumes of *Sri Guru Granth Sahib*. Every Hindu and Sikh should consider

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what should now be done for the protection of our honour, religion and homes. As a fit reply to the Pakistanis, wherever and to whatever extent possible the social and economic boycott of the Muslims should be carried out. The following programme deserves consideration and should be carried out at once:

(1) No purchases should be made from Muslims.
(2) No Muslim should be employed as a labourer.
(3) No alms should be given out of pity to Muslim fakirs, as they are the agents of Pakistanis and convey news.
(4) No house or shop should be rented to a Muslim.
(5) No Muslim lawyer or doctor etc. should be engaged.
(6) In our shops, mills, and factories and other commercial institutions, no Muslim should be given service.
(7) The Muslim vegetable-sellers, milk-selling *gujjars* and *tonga* drivers should be boycotted.
(8) No Muslim tenants (tenants of agricultural land)—should be kept and where any such are employed they should be evicted gradually.
(9) No Muslim washerman, tailor, labourer, barber, weaver, potter, dyer, *kaligar*, *mirasi*, *musalli*, ironsmith, workman, midwife, etc., should be given any employment.

The next submission in this connection is that when the question of drawing boundaries generally was under discussion and more particularly when the strategic considerations were being discussed, my learned friend on the other side said, "The function of the Commission is to draw a boundary not merely between East Punjab and West Punjab, but they must all the time keep in mind the factor that they draw a boundary between India on the one side and Pakistan on the other which are two sovereign states". But when they came to make their submission on the economic factor, they confined themselves to East and West Punjab forgetting altogether that East Punjab, whatever its extent, would be a part of India and West Punjab, whatever its extent, would be a part of Pakistan and that if economic resources and capacities have to be estimated they must be estimated on an All-India basis between these regions.

Some time ago Mr. G. D. Birla, after the announcement of the

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notional division, made an estimate of the capacities and the resources of the two dominions and published a pamphlet on the subject which was given very wide publicity and which was summarised also in the *Tribune*. Some of the figures which Mr. Birla used in order to show that from the economic point of view Pakistan was a hopeless proposition, are these:

	India	*Pakistan*
Cotton Mills	380	9
Jute Mills	108	Nil
Sugar Mills	156	10
Iron and Steel Mills	18	Nil
Cement factories	16	3
Paper Mills	16	Nil
Glass factories	77	2

Then he gives analysis of the business and professional incomes:

	India	*Pakistan*
Mines, quarries, etc.	9,41,47,624	2,05,40,880
Textile manufactures	44,86,81,806	2,72,18,223
Metals and metal goods	6,52,44,835	1,86,33,974
Buildings and miscellaneous goods	7,86,67,462	1,91,73,273

These are some of the very striking figures given by Mr. G. D. Birla. Professor Radha Kamal Mukerjee in his pamphlet *An Economist Looks at Pakistan*, on page 20 says:

> With a division of the country into Hindustan and Pakistan, Hindustan will have a virtual monopoly of coal (90%) and iron (92%), considerable reserves of manganese, copper and bauxite, but Pakistan both North-Western and Eastern will have only a little low-grade coal and iron ore and a little bauxite. On the whole its mineral wealth will be only about 5% of that of British India as a whole.

I personally think that is somewhat generous to Pakistan but even then the ratio is 5 to 95. Sir Homi Modi and Dr. J. Mathai have also adverted to the subject in *The Economic and Financial Aspects of Pakistan*. On page 16 they say:

> It is true that on the basis of existing information, both the zones of Pakistan are deficient in iron and manganese and a number of other minerals which are considered essential for large scale industrial development.

These are the views expressed by eminent economists and busi-

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ness magnates on the other side and may again be taken as a fair picture of the division between the two. This is supplemented by a further programme. Lala Tirath Ram, President of the Arya Samaj, Kasur, writing in the *Kiranti*, Lahore of 31st August, page 13, says as follows:

> The Hindu-Muslim unity can be brought about now in two ways: by strengthening the unifying forces; they should have social relations, mixed parties and marriage connections. Otherwise Muslims should be so much weakened that they should have no power to fight. I have not made the latter suggestion from myself. Several Hindus who do not wish to open the ways of mixing are of the opinion that they want to unite with Muslims maintaining their separation in a way that the Muslims should be reduced so much economically that they should be unable to fight.

I do not know what the point was but those were the designs. I hope you will forgive me if, instead of summing up the position taken up by the other side on the basis of economic figures, I were to quote from the Bible. I know by doing so I am making myself a subject of cheap retort, 'Oh', Zafrullah Khan quotes the scriptures'. Here is Chapter 12:

> And the Lord sent Nathan unto David. And he came unto him and said unto him. There were two men in one city; the one rich, and the other poor.
>
> The rich man had exceeding many flocks and herds. But the poor man had nothing, save one little ewe lamb, which he had brought and nourished up; and it grew up together with him, and with his children; it did eat of his own meal and drank of his own cup, and lay in his bosom and was unto him as a daughter.
>
> And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb, and dressed it for the man that was come to him.

It was in order to discharge the obligations of hospitality.

> And David's anger was greatly kindled against the man; and he

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said to Nathan: As the Lord liveth, the man that hath done this thing shall surely die.

That is what is sought to be done here.

I have given you the picture as it stands today. I gave you a pamphlet the other day from *Oxford Indian Affairs, Pamphlet Series* which showed you the location of various industries in India. One or possibly two were marked in Pakistan, the rest were all in India. If the number in Pakistan was one and the total was even as low as 100 and if the number in Pakistan was 2 and the total again was as modest as 200, then this is not only an exact, but absolutely identical picture. One may say, let me have one in this area also because I have 99 in other areas and I have a predominant economic share or interest of enterprise.

I do not for one moment wish in any case to deprecate the enterprise of other communities in commercial, in banking, in insurance and in industrial activities, but though this enterprise in many aspects—I am sorry I do not say in all respects but in many aspects—may be appreciable, yet to make that basis of the boundaries is a proposition which should not appeal to you. To begin with, I do not see why there should be any great apprehension or any serious apprehension or even any apprehension on the part of the other side that legitimate, beneficent, commercial and similar other activities would be barred in Pakistan.

It may be that they have discovered that there is a fundamental difference between their economic polity and the economic polity of the Muslims. It may be that the Muslims have voiced that they would seek to get greater scope for giving effect to their own economic polity. But fundamentally it comes to this that the Muslims on the basis of their religious teaching believe in the widest possible circulation of wealth by prohibiting the lending of money on interest, by introducing a very wide system of inheritance and by the institution of *zakat*. *Zakat* is a tax levied upon the Muslims which is applied for the benefit of the community at large for giving relief to the distressed, making provision for maintenance of scholars and research workers and building up such public works as may serve the interests of the whole community and so on. Similarly a device has to be made to secure the wealth and see that it should not accumulate in large quantities

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and that it should continue to circulate so that it should serve the interests of the largest possible number of the community at all times.

It is true therefore that the Muslims, so far as it may be legitimately open to them, will try to achieve the objective that the wealth of the community should continue to circulate constantly and that its distribution should be as wide as possible and that there should be fewer peaks and a higher general level. If the other side is afraid of that, then to some extent their fears are justified.

But there is not the slightest reason for their apprehension without any measure of discrimination that any unfair or unjust treatment is intended or contemplated. Why then have they insisted upon the vote from the Hindu and Sikh side saying that there is so much of our commercial business, what will happen to it? There is so much land, what will happen to it?

I was indeed both grieved and shocked to find that the whole thesis of Sardar Harnam Singh on the economic side was that there was no other outcome possible but that out of the East Punjab, Muslims must move into the West Punjab, and out of the West Punjab they will have to move to the East Punjab. I do not see why that situation should arise but I am quite certain that this situation would arise. You cannot first build up a thesis and say we do not wish to remain here and then demand that because we do not wish to remain in case this portion is allotted to the West Punjab and also because we do not wish to move from here, therefore you should allot this portion to us. That was the contention in the economic sphere made on behalf of the Sikh community by Sardar Harnam Singh. However, that is the position generally with regard to the economic factor.

Nevertheless, there are certain factors on the other side in respect of which a certain amount of explanation is necessary, so that the Commission and the Chairman should have a more adjusted picture of the whole thing. The factors to which I wish to draw attention will emphasize the factor which I have already put before you, that is to say, that undoubtedly the Hindus by themselves or non-Muslims as a whole—meaning by that, for this part of the case, Caste Hindus and Sikhs together—have a predominance in the economic field. But if this were any thesis to which

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value should be attached, if this were any basis for the purpose of any division, then the division of India could have been denied on the ground that throughout the whole of India, the non-Muslim community as a whole is overwhelming and predominant in the economic, commercial and industrial fields.

I am not so sure about the Punjab but there is a possibility—that if a detailed investigation was carried out, they may be able to make out a case that in this province also they have a preponderance in the economic, commercial and industrial interests. Yet no standard has been fixed. Mr. Setalvad when finishing his observations on any particular item used to say 'well, keeping in mind what I have stated, it is up to you to see how far and to what extent it overrides the population factor'. But he suggested no standard to the Commission which they should apply to determine how much of the population is cancelled out by how much of the property.

MR. JUSTICE DIN MUHAMMAD: What value do you want to be fixed for every individual Muslim? *(Laughter).*

SIR MUHAMMAD ZAFRULLAH KHAN: I have stated in my memorandum that I do not want any value in terms of property or money to be fixed on a single human soul. You have got to consider them as human beings and nothing less than that. On the other side much of this factor was put forward and no light thrown as to how it was to be balanced. I do not see how many Muslims against how many crores of rupees have been fixed by them, or better still how many human beings would they be prepared to leave in the west in return for how many crores of rupees. No standard has been fixed nor is it possible because the two things are incompatible. You are trying to compare factors which are not on the same plane. We Muslims have masses of humanity; they have property, which is a servant and slave of man, but the proposition that they have advanced is that man is to be changed for property.

I have to submit certain factors which would correct the picture that has been sought to be placed before you in these matters. Your attention has been invited to the figures of the urban immovable property tax, the figures of sales tax, incometax and the number of registered factories. The object was to establish that on an average a non-Muslim is richer than a Muslim. I freely concede

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that . They are 'haves' and we are 'have-nots' but what way that factor is to work is a different matter.

BAKHSHI SIR TEK CHAND: Muslims are 'have-nots' including yourself?

SIR MUHAMMAD ZAFRULLAH KHAN: Including myself as compared with you. *(Laughter).*

BAKHSHI SIR TEK CHAND: Let us exchange.

SIR MUHAMMAD ZAFRULLAH KHAN: Provided an honest return is made. *(Laughter).*

I shall now refer you to the Punjab Urban Immovable Property Tax Act. Therein it is laid down:

> That the tax shall not be leviable in respect of buildings or lands the annual value of which does not exceed three hundred rupees in the urban areas of Lahore and Simla and Rs. 240 in other areas.

That again shows that the 'have-nots' are exempt from this tax. They cannot give what they have not got and thus they are unable to pay this tax. Then the argument built on this is that they should be put in a position where they should permanently be unable to pay the tax.

Section (3) of the Punjab General Sales Tax Act, 1941, subjects the tax to a turn over exceeding five thousand rupees, that is to say, a turn over of about Rs. 400 a month is exempt. Here again the small vendor of all communities is no doubt exempt. The smaller the turn over the larger is the proportion of the Muslim vendors, having regard to the economic division between the two communities. Now again section 5(1)(b) of the same act exempts from the tax the sale of wheat, wheat-flour; gram; gram-flour; maize, maize-flour; *bajra, bajra*-flour; cotton and any cloth woven on handlooms and sold by persons dealing exclusively in such cloth. That means the *julahas* are exempt, and all those who are concerned with the sale of wheat or wheat-flour, etc., or in other words, those who are concerned with the sale of these agricultural commodities right from the producers of these commodities are all exempt.

Sub-clause (c) exempts sale by a person of horticultural and agricultural produce grown by himself or grown on his land, that is to say, the Arains. In this connection it must also be remem-

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bered where the incidence of taxation of the kind falls, who ultimately pays it. The man who pays it in any substantial amount is the consumer, and which community forms the largest number of consumers?

Then as regards the factories, I have already explained and it must be remembered that the Muslim economy is generally widespread and also that the Muslim is generally poor. The Muslim activity is therefore engaged in a large number of smaller concerns rather than in big factories which again is his characteristic as a result of the economic system to which I have drawn attention. Not that this system prohibits large concerns but that it encourages large circulation of wealth into small units. There are in the Punjab a very large number of unregistered factories employing less than 20 persons each. Figures have been supplied to me in respect of the following districts: Lahore, Amritsar, Gujranwala, Sialkot, Gurdaspur, Sheikhupura, Ferozepore, Montgomery, Hoshiarpur, Kangra, Ludhiana, Lyallpur and Jullundur. These districts have 7,456 un-registered factories owned by Muslims and 4,055 un-registered factories owned by non-Muslims. The labour employed in these factories is: Muslims 22,330; non-Muslims 8,124. With regard to labour employed in registered factories figures have been supplied in regard to Lahore, Amritsar, Gurdaspur, Jullundur, Hoshiarpur and Ferozepore only. The number of Muslim labour is 55,286 and non-Muslims 33,958. I was surprised to find that figures for Sialkot registered factories have not been supplied. As a matter of fact I am told there has been a refusal by the local officer concerned to supply the figures[1]. But again it is common knowledge that Sialkot is a very large centre of sports goods and metal industries and it is also common knowledge that the overwhelming majority of workers in these two industries is that of Muslims, although the capital invested in these factories taken as a whole would preponderatingly be non-Muslim. With regard to the registered factories it should be remembered how the economy of a particular community is distributed and certainly the toil and sweat that go to the production of wealth are contributed on a much larger scale by the Muslims than the non-Muslims. They can say it is not our fault.

[1] *Sialkot figures were received from the Industries Department on the 31st July 1941 and show the number of Muslim and non-Muslim labourers working in the registered factories there as 2,749 and 1,460 respectively.*

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Yes, it is not their fault. This is how the distribution of wealth is in the country; non-Muslims are richer, Muslims are poorer.

Now with regard to the characteristic of other capital investments, banks, insurance companies and other commercial concerns have been referred to by the other side. There has already been a very large transfer of capital from the Punjab. The total figures it has not been possible to compute but such as have been available are these. Certain of these commercial concerns have already shifted their head offices from the Punjab. The figures that are in the office of the Commission in this connection indicate that the paid-up capital of such concerns is 7,28,38,643 which represents the authorised capital of 26,32,35,000. There has been a fall in the deposits in the nonscheduled banks. The scheduled banks were asked to supply the figures but they have not supplied them. The fall in the nonscheduled banks' deposit has been 9,20,26,060. Well, sir, it is as easy as that to move capital of that kind. If all that capital could be moved as easily as that, by what process of reasoning can something that can take flight so easily and so quickly, be made the basis of a permanent division of the country between the east and the west?

I now come to the general features of the factors on the side of rural property—landed property. In this connection Sir Malcolm Darling has eulogized the enterprise shown by the colonists of canal irrigated areas, particularly the Sikh colonists. There is no doubt that all colonists have shown great enterprise in bringing these arid wastes under cultivation when water became available. There is also no doubt that the Sikh peasant of the Punjab represents a very fine type of peasant but there is no reason to think that other communities who took to that occupation are in any sense behind the Sikh peasant. The Punjab peasant generally has a very good reputation for enterprise, for diligence, for hard work. The passage that was quoted from Sir Malcolm Darling went on also to add:

The Arain, the prince of market-gardeners, is his only rival[1].

The Arain is a Muslim. In fact they are all Muslims:

[1] *Malcolm L. Darling, op. cit., pp. 136-37.*

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> As thrifty as he is prolific, from dawn till eve bent over cabbage and onion, able to draw a living from the tiniest plot, the Arain extracts, as we have seen, the last ounce of produce out of the soil[1].

Then there are various kinds of classes of people who have a share in the enterprise. We shall presently see what is the proportion of each community and I venture to submit that the picture will show that the Muslim peasant has done no less than his share, indeed he has contributed more than his share, his proportionate share, towards the development of the colony areas. The same may be said of the Sikh. He has done no less than his share. In many areas he has done more than his share but not at the expense of the Muslim. The class that has been lacking in that respect, so far as its proportion to the total population is concerned, is the Hindu section of the non-Muslim community. And this is again easily explainable by reason of the fact that they are the most urbanized community of the three in the province.

BAKHSHI SIR TEK CHAND: They cannot acquire lands.

SIR MUHAMMAD ZAFRULLAH KHAN: I will presently show if they could not acquire lands or whether they have acquired them and how they have acquired them and how much of land they have acquired.

Sir Malcolm who was and is an authority on these matters and who has been largely relied upon by the other side goes on to make some observations with regard to the economy of the Punjab and how it developed at various stages. He says with the advent of the British:

> Once the munsiff and the lawyer were enthroned in the courts, legality and chicanery were apt to be found in forced alliance, to the confusion of justice and equity, and, as a cultivator remarked, the law instead of being used as salt became the whole diet[2].

That was one result of the British legal system. That is page 206. At page 212:

> ...and it is still the case that at least one out of every four

[1] *Ibid.*

[2] *Malcolm L. Darling, op. cit., p. 206.*

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income-tax payers is a village money-lender,...[1]

The income-tax being paid out of the earnings of the peasant, the money-lender has only to collect all the surplus produce.

He further goes on to say that—

...the percentage of money-lenders to the population is three times as great in the Punjab as in the rest of British India. The money-lenders' profits, says Mr. Calvert, probably exceed those of all the cultivators put together...[2]

So that if the Hindu section of non-Muslim India has not shown as great enterprise in the matter of developing the colony areas, if they suffer no privation of that kind, if they let others sweat and toil, they have all the time been present to collect the gains. Then he says:

...most of the money-lending of the Puniab is in the hands of three castes; the *Bania* or *Aggarwal*, the *Khatri* and the *Arora*, all necessarily Hindu and all probably allied to each other in origin, though now distinct. Though there is much overlapping broadly they may be said to have partitioned the province between them. South of the Sutlej the *Bania* prevails; in the central Punjab the *Khatri*, and throughout the west the *Arora*[3]

He goes on—

The *Bania*, being the most timid of the three, is consequently the most subtle and insidious, 'Heel ropes of silk and a bridle of *munjh*' is his motto, and the former always comes first. He is well described by Tavernier, and the description, though penned 250 years ago, is worth quoting, as it is still substantially true. 'The members of this caste', he says, 'are so subtle and skilful in trade that they could give lessons to the most cunning Jews. They accustom their children at an early age to shun slothfulness, and instead of letting them go into the streets to lose their time at play, teach them arithmetic, which they learn perfectly, using for it neither pen nor counters, but the money alone, so that in a moment they will do a sum, however, difficult it may

[1] *Ibid., p. 212.*
[2] *Ibid.*
[3] *Ibid.*

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be ...If anyone gets into a rage with them they listen with patience without replying anything, and they withdraw coldly, not returning to see him for four or five days, when they believe his rage to be over. It is characteristic of the Bania that in times of scarcity his superstitions are as much directed to prevent a fall of rain as the cultivator's are to secure it. A lamp is filled with *ghi*, and, if the light is blown out, it is thought the clouds will scatter and prices go up. Or, if rain begins to fall before this can be done, it can be stopped by filling a pitcher with rain water and burying it where it can catch the discharge of a water-spout from the roof of a house.

The Khatri is a man of different mettle. Allied to the great warrior caste of the Kshatryias, though he can claim no great distinction in the field, he has often been to the fore in the council chamber[1].

. . .

'Even if a Khatri puts ashes on his head', says the proverb, 'he will make a profit'. Owing to his varied interests, he is perhaps less exacting than his rival and a trifle more human[2].

. . .

If the Khatri is the best of the three money-lending castes, the Arora, or the Kirar, as he is commonly called, is the worst. 'Even if they sleep, do not trust a crow, a kirar or a dog', says another proverb. With the craft of the Bania, the enterprise of the Khatri, he has a tenacity and thoroughness all his own[3].

. . .

The money-lender's system must now be examined, and to understand it we must first consider his objects. Mr. Calvert states that he conspired not for the land but the crop. This was certainly the case under Indian rule, for land was then of little value and difficult to acquire; nor had the ordinary Bania or Khatri either aptitude or inclination to farm it[4].

. . .

After 1870 circumstances changed: land became a first-rate investment which was always rising in value. As soon as he realized this, the money-lender began to use it as an outlet for

[1] *Ibid., p. 213.*
[2] *Ibid., p. 214.*
[3] *Ibid.*
[4] *Ibid., pp. 215-16.*

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> his rapidly accumulating capital, and, finding the investment more and more profitable, sought with increasing ingenuity to get the cultivator into his clutches and oust him from his land; and it was always the better land he coveted; the inferior he avoided. In Hissar, owing to a series of famines, he was able to impose such hard terms in his mortgages that a mortgage nearly always ended in sale. In less than twenty years (1875-93) he succeeded in acquiring 11,79,000 acres in different parts of the province, ...[1]

And Sir Tek Chand complains that they were not allowed to get lands.

BAKHSHI SIR TEK CHAND: How much was it Muslim land? We are dealing with Muslim and non-Muslim and not agriculturist and money-lender.

SIR MUHAMMAD ZAFRULLAH KHAN: The indebtedness has been of all classes and in different parts of the province.

He goes on:

> ...and in the single district of Gujranwala he purchased over half the land sold during this period[2].

MR. JUSTICE DIN MUHAMMAD: Gujranwala is 70 per cent Muslim?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes. We have a comment to make on that. It was stated here that after the passing of the Land Alienation Act, the money-lender could not get at the land. That is a separate subject which will be dealt with after I deal with the agriculturist money-lender.

Then on page 228, Sir Malcolm Darling goes on:

> *(At this stage the Commission rose for lunch and reassembled at 2.00 pm when Sir Muhammad Zafrullah Khan continued his arguments.)*

SIR MUHAMMAD ZAFRULLAH KHAN: I was submitting that the Land Alienation Act gave rise to the phenomenon though the phenomenon was not altogether unknown previous to the Act. On page 228 of the *Punjab Peasant* (1925) Malcolm Lyall Darling

[1] *Ibid., p. 216.*
[2] *Ibid.*

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says:

> The agriculturist money-lender is by no means a new feature in village life—we hear of him as long ago as 1876—but it is only in the last 20 years that he has come to the fore. Money-lending is so profitable and opportunities for investment so few, that anyone in this country with spare cash is tempted to lend. Fifty years ago few agriculturists were able to do so, but now there is a fortunate minority who have more than they need. Large sums, amounting some times to Rs. 50,000 or more, have been brought back from Australia and America by returned emigrants; many Indian officers came home from the War with two or three years pay in their pockets; many, too, of those who stayed at home, for the most part the larger holders, have been enriched by high prices. When a pukka house has been built, land has been bought and a wife decked with jewellery, what remains will be given out on loan. A retired soldier known to the writer, during 18 years' military service, the saved Rs. 600, but four years of lending it out were sufficient to double it. Wherever therefore there are returned emigrants, ex-officers or large holders, who are not Muhammadans, the agriculturist money-lender will be found; and in these areas the whole mortgage debt is rapidly passing into his hands. The most prominent type is the Sikh Jat of the central Punjab, who has some of the canny business flair of the lowland Scot[1].

He goes on to add that here and there the Muhammadan also manages to reconcile the tenets of religion and practises money-lending but that is rare. The agriculturist money-lending within the protecting ring also applies to rare castes of the other non-Muslim communities. That again set up a drain in favour of the non-Muslims. Just before you rose for lunch I had submitted that a million and one hundred and seventy-nine thousand acres of land were stated by Malcolm Darling to have passed between 1875 and 1893 into the hands of the money-lenders[2]. My friend on the other side said that there is nothing to show that any of that land was owned previously by Muslims. My submission on that point is this. The whole argument of the other side has been that the Muslim has been the poorer of all the three main communities in

[1] *Ibid., pp. 228-29.*
[2] *p. 403, supra.*

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the Punjab, both in urban life and rural life. Stress was laid upon the fact that the average Sikh holding was much higher than the average Muslim holding. Real money-lending being entirely in the hands of the money-lending class, it is perfectly obvious which section of the community will be more heavily indebted and for that what steps are necessary. But here is one reference to this topic. Sir Malcolm Darling says in his book, *The Punjab Peasant in Prosperity and Debt*, page 19:

> There is one other feature that must be noted in regard to debt in the Punjab. Though almost the whole of it has been advanced by Hindus or Sikhs, neither being debarred by religion from the taking of interest, well over half has been incurred by Muhammadans. Forming 56% of the rural population, Muhammadans must owe at least 50 crores, and, seeing that they are generally more involved than their neighbours, the amount is probably nearer 60 crores[1].

The third tendency that was observed was the evasion on a very large scale of the Land Alienation Act. Though permanent alienation of land to non-agriculturists without the sanction of the Deputy Commissioner was forbidden, there was a good deal of what has been known as *benami* going on, that is to say, A, a money-lender, loaned money to B, an agriculturist and obtained a bond from him. Then in enforcement of that bond B was unable to pay. He would obtain a transfer of B's lands in favour of C, another agriculturist, who would hold the land for the benefit of A; A securing from C bonds or promissory notes or other evidence of obligation to A which would enable A to enforce the arrangement in effect. Again it is not necessary to go into details for that purpose. The agitation carried on in the province against remedial legislation which was proposed in the legislature and which, I think, has been described as the Land Acts, itself shows what was the purview of the necessity involved on either side. That was one of the major problems in the province.

The other day Sardar Harnam Singh asked me to produce any kind of reference from which it might be deduced that, as stated in the League Memorandum, these colony areas when they were waste were owned by the tribes that dwelt in those areas. It is true

[1] *Malcolm L. Darling, op. cit., pp. 19-20.*

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that their ownership has not been legally accepted. The memorandum[1] does state that with the advent of the canal, large portions (as a matter of fact an overwhelming part of this area) would be declared as Crown waste, but that in fact was expropriation of a kind which cannot be denied. It may be argued that in view of the general needs of the province—so that this land may be put to best use—such areas which they were not cultivating or using, should belong to the province. I am not putting forward the plea that these areas should be returned to them but that they were in the spirit which the memorandum describes as correct.

Again, Mr. Malcolm Darling spoke at page 143 as follows:

> The Janglis are the indigenous inhabitants of the tract, and only 30 years ago roamed at will from the Jhelum to the Sutlej[2]. ...The land, they said, was not enough for their children. In the old days the whole country was theirs; but now only 100 acres or so round the village. Before the canal came, their cattle could roam as they pleased; but now, if their cattle strayed out of sight, as likely as not they would be caught and shut up in the pound[3].

The case is the same as that of the settlement of the Europeans on the American continent. The whole of the north continent did in fact belong to Red Indian tribes but civilization has given a different definition to that ownership. This historical fact cannot be denied. It cannot be denied that these tribes were a part of the ordinary Punjab population. They roamed about on account of lack of rain and water in those tracts and they mainly depended upon cattle. All these facts were used as if there was a grazing ground.

Another matter that was adverted to was that of comparison of the colony areas with the East Punjab or rather comparing the notional districts of the West Punjab with those of the East Punjab. It was said that the East Punjab was somehow getting an unfair deal and one of the factors related was that the density of population in the East Punjab is heavier than the density of population in the West Punjab. It is a part of the main economic resources,

[1] *Vol. I, p. 293.*
[2] *Malcolm L. Darling, op. cit., p. 143.*
[3] *Ibid., p. 145.*

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which is one feature of the case, but for the moment I am on the figures of density to make the data clear. It is a well-known feature that very large areas in West Punjab comparable in proportion with East Punjab are deserts and uncultivable waste lands. Dera Ghazi Khan, Muzaffargarh and Mianwali are either desert or waste land, the soil is of extremely poor quality and very unproductive. Rawalpindi, portions of Jhelum and Campbellpur are mostly either rock or ravine and whatever cultivable land there is it is almost entirely *barani*. Khushab and Shahpur tehsils of Sargodha district are also mostly hill or desert. On the other side Hissar for some reasons may be left out of account. Most of the projects are in view which would make the tracts of these areas cultivable. I am dealing with the present situation. Kangra and Simla are all hill. In Ambala the soil is of a poor quality for cultivation. If these areas are excluded from either side, we get at certain figures by taking areas which are capable of cultivation on either side. The total area of the following districts—Lyallpur, Montgomery, Multan, Sialkot, Gujrat, Gujranwala, Lahore, Sheikhupura, Gurdaspur—and Sargodha and Bhalwal tehsils, comes to 27,931 square miles, and the population is 1,16,99,351, the density works out at 418.8. On the other hand the total area of Ludhiana, Karnal, Rohtak, Gurgaon, Amritsar, Ferozepore, Hoshiarpur and Jullundur districts is 21,178 square miles and the population is 87,55,512; the density works out at 413.

You will see that there is nothing either way that turns upon this 418.8 West Punjab, 413 East Punjab. But again one must emphasise that comparable features really would be those of India-Pakistan rather than those of East and West Punjab. When you take the rest of Pakistan, excepting the narrow belt in Sind, it is all arid and waste; whereas it is needless to dilate upon the wealth and resources of India of which the East Punjab will be a part.

I now come to the argument that the colony areas have been developed mainly through the enterprise of the Sikh community. I have already submitted that the Sikh community has made a large and valuable contribution towards this development. But the facts do not bear out the contention that it is mainly through the Sikh cultivator that these areas have been developed. I have figures here with regard to Lyallpur, Montgomery, Multan, Sheikhupura, Jhang, Shahpur and Gujrat colony areas. The statement shows communi-

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ty-wise how much of the area is cultivated by each community out of the allotted area. The total of all these comes to 42,99,663 acres as the allotted area of all these districts.

MR. JUSTICE TEJA SINGH: You said this is allotted area, you mean area allotted by the Crown?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes.

MR. JUSTICE TEJA SINGH: It does not include private lands?

SIR MUHAMMAD ZAFRULLAH KHAN: No. At the moment I am on the argument advanced by the other side that these colony areas have been developed by the Sikh community.

Now out of this total of 42,99,663, the Muslims cultivate 27,40,814 acreas; Hindus 3,79,001; Sikhs 11,46,432; Christians 22,786 and others 10,635. The percentages are: Muslims 64%; Hindus 9%; Sikhs 26%; Christians and others combined together 1%[1]. These figures clearly show that the share of Muslims in this enterprise was in excess and certainly not less than their proportion in the population. Their proportion in the population is 57.1% and their share in this enterprise is 64%. The Sikhs too have a very creditable share and it is in excess of their proportion of the population although the combined non-Muslim share is 35% which is less than their proportion in the population.

Now I will draw your attention to the figures with regard to ownership of areas in these districts, the land revenue paid and the number of owners. I will take the Lyallpur district first. In this district the Muslims are 62.8% in population; they own 62% of the area; pay 57% of land revenue and form 69% of the owners in the district[2]. I have here the details with regard to each tehsil but it will take a considerably long time to dictate all those figures. I will have copies made and submit them to the Commission[3]. I will draw attention to some of them.

[1] *To be precise, the percentages work out as follows:*

Muslims	*63.75*
Hindu	*8.81*
Sikhs	*26.66*
Christians and others	*0.78*

[2] *Official figures regarding Muslims in respect of Lyallpur district are given below:*

Population	*62.84%*
Area owned	*53.23%*
Land Revenue paid	*57.53%*
Land Owners	*68.38%*

[3] *Appendix XII, infra.*

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Lyallpur Tehsil: Muslims 60% (59.95%); owners 53% (52.69%); area owned and land revenue is 50% (49.50%).
Sikhs: 38% (37.88%); owners 44% (44.42%); area owned and land revenue is 47% (46.54%).

Samundari Tehsil: Muslims 82% (82.29%); owners 76% (76.08); area owned and land revenue 71% (70.79%).
Sikhs: 14% (13.95%); owners 21% (20.58%); area owned and land revenue 26% (25.66%).

Sheikhupura Tehsil: Muslims 52% (51.62%); owners but they own only 37% (37.02%) area and pay only 38% (38.14%) land revenue[1].

Multan: Taking the district as a whole in every one of the tehsils the percentage of Muslims among owners and land revenue paid is greater than that of the Sikhs.

Nankana Sahib—on which a good deal of emphasis has been laid by Sardar Harnam Singh—with regard to that figures are: proportion of Muslims in population is 74.3% (74.33%), Sikhs 13.4% (13.42%), number of Muslim owners is 75% (72.14%), Sikh owners 15% (20.27%), percentage of area owned by Muslims is 65% (65.03%), area owned by Sikhs is 28% (27.40%), land revenue paid by Muslims is 63% (63.49%) and land revenue paid by Sikhs is 28% (27.40%).

The same is the case with Montgomery district where in the whole district Muslims are 69.1% (69.11%) in population; 72% (72.30%) among the owners; they own 62% (62.43%) of the area and pay 61% (61.49%) land revenue.

From Multan district we have worked out the figures of Khanewal and Mailsi tehsils only, because these are the two tehsils mentioned in the Sikh Memorandum[2].
Taking the district as a whole the Muslims are 78% in population, 76% (75.76%) among owners, area owned by them is 71% (71.24%) and they pay 71% (70.66%) land revenue.

Khanewal Tehsil: Muslims are 70.1% (70.06%) in population, 79% (69.61%) owners, they own 66% (68.48%) of the area and

[1] *The figures given in parenthesis are exact figures calculated from the material supplied by the Deputy Commissioners of the districts.*
[2] *Vol. I, p. 378.*

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pay 71% (71.28%) of the land revenue.

Mailsi Tehsil: The Muslims are 75% (75.9%) in population, 73% (73.07%) among the owners; they own 70% (70.78%) of the area and pay 70% (70.69%) of the land revenue[1].

It is on the basis of these figures that they claim that this area is regarded as having been mainly developed by Sikh enterprise. It will be observed that though the Muslims do not on the whole own the same proportion of the area or pay the same proportion of the land revenue as they are in proportion among the owners, that is to say, comparatively their holdings would be smaller, yet their proportion among the owners is fairly high. When you come to consider the question of the uprooting of the peasant, upon which so much stress was laid by Sardar Harnam Singh, even if the argument had any validity at all, you will have to consider the number of people affected and even if you confine yourself only to the consideration of owners of land, the population factor is overwhelmingly in favour of the Muslims. But rural economy is not based merely upon the land owners. Take the case of occupancy tenants also. Now with regard to occupancy tenants in the Punjab it is well known that so far as the consideration of being rooted to the soil is concerned, a consideration which was emphasised so repeatedly on behalf of the Sikh community, the occupancy tenant is much more rooted to the soil than the proprietor where the proprietor is the owner of an area in which the tenant has occupancy rights.

MR. JUSTICE DIN MUHAMMAD: Please explain what the occupancy right is?

SIR MUHAMMAD ZAFRULLAH KHAN: In the Punjab where normally land is held in occupancy tenancy, the owner is entitled to receive from the occupancy tenant the land revenue due to government on the holding plus a certain amount of proportion with reference to the land revenue, i.e., two annas, four annas, six annas[2] in the rupee, so that the position vis-a-vis the holding itself is that the occupancy tenant is the cultivator, he is one who is rooted in the soil, though the land revenue in respect of the land holding is paid into the government treasury by the owner and is

[1] *The figures given in parenthesis are exact figures worked out on the basis of the official data.*

[2] *This means Annas, 16 of which make a rupee.*

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credited to his account, it is actually paid by the occupancy tenant and although the landholder is entitled to recover payments from the occupancy tenant—a certain amount in proportion to the land revenue—it may be small or large.

MR. JUSTICE DIN MUHAMMAD: The occupancy tenant is not liable to eviction at the sweet will of the landholder?

SIR MUHAMMAD ZAFRULLAH KHAN: No, not even at the bitter will of the landholder.

MR. JUSTICE MUHAMMAD MUNIR: There are restrictions over his power of transfer.

SIR MUAHMMAD ZAFRULLAH KHAN: He cannot transfer without the consent of the landholder. But these features have really very little to do with the question that the Commission has before it. The central fact is this that when an area is under an occupancy tenant, the person who exercises in respect of the land all the functions of the cultivator is the occupancy tenant. He merely receives a certain amount in cash.

MR. JUSTICE DIN MUHAMMAD: Why I brought this fact to your notice was to point out that the occupancy tenant was not a part of the floating population.

SIR MUHAMMAD ZAFRULLAH KHAN: Yes. But the central fact is that it is the occupancy tenant who is for the purposes of this matter rooted to the soil. I have here statements showing the number of owners and occupancy tenants in these districts which I shall presently hand up. The figures in red are the owners and the figures in black are the occupancy tenants in respect of each district. Again the proportion is by far in favour of the Muslims. Therefore in respect of the quantum of legal rights he is behind the others, but in respect of sweat and toil that he has put into the development of the land of the colonies, his efforts are very much larger than the proportion of the area owned by him or land revenue shown by the registers to be paid by him.

As I said wherever there are occupancy tenants, though it is credited to the owner, there is a further feature which requires attention in this connection. We have been told that all the statments bear it out that on the average the Sikh landholder owns a larger holding than the Muslim landholder. Those who own larger holdings would naturally employ a larger number of tenants to cultivate than those whose average holdings are smaller. Take

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any person who can adequately cultivate one square of land. If he owns four squares of land he must employ tenants to cultivate the remaining three, that is in case he cultivates any portion of it himself. I am taking the average peasant proprietor. Thus it stands to reason that if a Muslim owns on the average two squares of land and a Sikh owns on the average four squares of land, the Muslim will employ one tenant to cultivate the extra square which he cannot himself cultivate. The Sikh will employ three tenants to cultivate three squares if he is not cultivating himself. I am taking these figures purely for the purposes of illustration. Therefore again it stands to reason that a larger number of those occupancy tenants that have holdings owned by the other community than that of the person who cultivates, will be Muslims.

The extra fact that has to be taken into consideration is, as I have said, that rural economy is not based upon the cultivator alone. It is based upon a good many other factors also. If the land owners had to carry on the whole of rural economy by themselves, they would soon find themselves helpless without the aid of those who were described by S. Harnam Singh by a wave of his hands, as carpenters, blacksmiths and so on. Rural economy is as much dependent on the carpenters and blacksmiths as it is dependent on the actual cultivators. If the carpenter and the blacksmith were not there who would repair the plough, or shoe the cattle, or repair and keep the Persian wheel going and perform the host of other little duties which these humble people perform. So that again you have to take the whole of the economy together. You cannot overlook the existence of these people.

Then it was argued that it was easy for the tenant to move and that it was not easy for the landlord to move. I submit that it is the other way about. The landowner can still go somewhere else if he wants to do so. I am not saying it is easy for him to do so, I am only implying that the kind of movement that Sardar Harnam Singh insisted upon is bound to follow. But if there is any obligation for the people to move, it is much easier for the owner to dispose of his holding and to buy elsewhere than it is for the tenant, for even the tenant-at-will, to move because the tenant-at-will before he moves must be assured that he will have a tenancy elsewhere otherwise he is ruined. The landowner can still go fairly easily and buy elsewhere; particularly, as it was said, if new areas

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are being opened. In any case the tenant will find it more difficult to move and the owner will find it easier, because—as compared with each other—between the two, the one is, if I might employ the term, a capitalist. He has a certain amount of capital which he can employ to buy other plots of land, but the tenant, apart from his cattle and such implements of agriculture that he might own, has no other capital than the goodwill of the landowner who has given him the lease. If that goes, the greater part of his capital goes. I am talking now of tenants-at-will, so that if there is a question of difficulty of movement, it applies not only to the landowner, it applies equally to the occupancy tenants and at any rate it applies with greater poignancy to the tenant-at-will. Therefore when difficulties of movement have to be taken into consideration, you are again faced with the population factor. If people have to move from their home areas, if all of them have to move in the sense that the cultivator, whether he is a tenant-at-will or an occupancy tenant, all have to move, then the landowner, the village carpenter, the blacksmith and the barber and all the other servitors in the village have to be considered.

Sir, I have drawn particular attention to the position of Nankana Sahib tehsil. Great stress is being laid upon the factor that owing to the shrine at Nankana Sahib that part must come to the East Punjab somehow or other. I shall come to the shrine question later on. But I do want to emphasize once more that in the whole of the Sheikhupura district the Muslims are 75% (64.97 %), among the owners of land they own 65 % (54.23 %) of the land and pay 63 % (48.85 %) of the land revenue. Sikhs form only 15 % (28.42 %) of the owners, own 25 % (37.80 %) of the land and pay 28 % (43.38 %)[1] of the land revenue of the tehsil. These figures relate to Nankana Sahib tehsil. And it must not be forgotten for what it is worth that the greater part, if not the entire part, of the Sikh endowments in this tehsil were originally Muslim property. They were all made by Rai Bullar including what is today called the Nankana Sahib estate.

Another feature that was stressed with regard to the colony area was that there is a good deal of unallotted Crown waste available which is a capital asset of the whole of the province and

[1] *The figures given in parenthesis represent the percentages worked out from the figures supplied by the Deputy Commissioner, Sheikhupura.*

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that a share of it must be allotted to the East Punjab. My learned friends on the side opposite, particularly Mr. Setalvad, when he was arguing this part of his case, did emphasize it. This means that he was conscious that he did not cite this factor from the point of view of the division of areas but that he was claiming a share of the waste itself. Now, sir, when the partition takes place these matters can only be adjusted by the Committee which would have to deal and is dealing with the division of assets. If the basis of the partition is to be the ascertaining of the majority areas of Muslims and majority areas of non-Muslims, there are bound to be common assets that will be left on one side or the other and which will involve valuation and apportionment. If between these colony areas and the rest of the Punjab, I mean the Eastern Punjab, Muslim majority areas intervene,then the colony areas lose their contiguity with the East Punjab, and I do not see how this area can be assigned to the East Punjab by means of a questionable majority. I say questionable majority because the maps that have been put in to show some sort of majority are based upon certain untenable assumptions and formulae. When I come to describe those maps I shall be able to demonstrate that these areas are in no sense majority areas of non-Muslims. Assuming, however, for a moment that some sort of a case can be made out on that basis, there is no actual contiguity. How can in the partition or in the drawing of the boundary line action be taken on common assets? I will give you an analysis of common assets in the form of Crown waste land also. I shall supply you with data.

There is a total of 18,19,337 acres of Crown waste. This is excluding Thal. Out of this 7,48,625 acres are unculturable. That leaves a balance of 10,70,712 acres culturable. Out of this the area already allotted on a semi-permanent basis is: horse-breeding and mule-breeding grants 1,10,761 acres; long leases for farms of various kinds 1,27,434 acres—this includes grants for military purposes and so on—grants to local bodies 25,535 acres; grants to various government departments for various purposes 68,889; total is 3,32,619. It leaves a balance of culturable waste of 7,38,093 acres.

There is another aspect of the picture which must be taken into account that out of the already allotted and settled areas quite a large area has become subject to *thur* and *sem* and the figure is

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increasing at an alarming rate. In 1938-39 two hundred thousand acres were noticed to have been so affected by water-logging and salt. By the end of 1946 the figures had mounted to five hundred thousand acres in all the colony areas. For the single year 1945-46 the figure was fifty thousand acres. These figures are taken from page 47, item 10, table 6 of the *Irrigation Branch, Land Reclamation Department Report* ending March 1947. I have not got spare copies of these statements but we shall work them out and submit five copies to you.

While I am on this part of the case I would also like to draw the Commission's attention to the figures with regard to Gujranwala and Sialkot districts which lie in a corner from these areas with which I have dealt but which were included in the Sikh and Congress Memoranda as claimed by them. I will take Gujranwala district and the population comparison is as follows:

Muslims	70.4%
Sikhs	10.8%

Among the owners the Muslims own 65 %[1] of the area and pay 65% of the land revenue[2].

Wazirabad Tehsil—Population 76.7% (76.69%)[3] Muslims 75% (74.82 %) being the land-owners, own 69 % (70.81 %) of the area and pay 70 % (70.39 %) of the land revenue.

Hafizabad Tehsil—Muslims 82.9 % (82.86 %) in population, 82 % (82.30 %) among the land owners, own 81 % (81.38 %) of the area and pay 80 % (80.14 %) of the land revenue.

Gujranwala Tehsil—61.7 % (61.30 %) is the population. 50 % (49.83 %) among the land owners; 38% (37.78%) is the area owned and 39% (38.64%) is the land revenue. In this tehsil again the Sikhs pay a proportionate rate of larger amount of land revenue and own larger amount of areas. Having regard to the population and the number of owners and the population which is to be uprooted, if the district is allotted to one side or the other, the Muslim case is overwhelming.

In the whole of Sialkot district the Muslims are 62% (62.09%) of the population; 69% (68.76%) among the owners own 33%

[1] *The correct figure is 61.43%.*
[2] *The correct figure comes to 56.34%.*
[3] *The figures in parenthesis represent the correct percentages.*

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(52.56%) of the area and pay 62% (52.49%) of the land revenue[1]. Then an analysis of the tehsils maintains more or less the same figures. In no tehsil do the Sikhs form either a large percentage in the population or among the landowners or on *[sic]*[2] a larger proportion of the area or the larger proportion of the land revenue. As a matter of fact the figures are substantial—except in the Narowal tehsil—in favour of Muslims and even in Narowal tehsil though in regard to area owned and land revenue paid the Sikhs run with the Muslims fairly close but they do not come up to the Muslim percentage.

I now come to Gurdaspur, Amritsar and Lahore districts. This was the area with regard to which the Sikh claim was pressed with great vehemence and persistence. The main feature of the Sikh case was, apart from the consideration attaching to the Darbar Sahib at Amritsar, that the Upper Bari Doab Canal was excavated in order to afford employment to the disbanded Sikh soldiery and to enable Sikh land-owners to be settled on the canal, that is to say, that there were at the moment large numbers of Sikh soldiers who had been thrown out of employment and had lost their military occupation as the result of the subjugation of the Punjab by the British and the annexation of the Punjab by the British. That would naturally, if nothing was done to enable them to settle down to civilian life, form a difficult proposition. This canal was projected as the excavation of it would immediately give employment to large bodies of people and also its alignment was so worked out that it should be able to provide irrigation for a large tract in which the ownership was predominantly Sikh. Both these objects were served. One was a temporary object and the other was permanent and still serves its purpose.

But neither of these considerations is, by itself or both of them combined, a factor which can override the basis of partition. I am not for a moment on the question of non-Muslim majority in Tarn Taran and Amritsar tehsils, but I am taking the whole question together. When analysed, what does this aspect of the case come to? It comes to this that a large number of Sikh soldiers found themselves in that position and obviously something had

[1] *The figures shown in parenthesis represent the correct percentages.*
[2] *Probably 'own'.*

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to be done to alleviate their position. The whole province made a contribution by providing funds for the excavation of this canal. On the excavation the labour employed was Sikh in order to afford them relief and give them immediate occupation. True, it was a problem that affected the whole province and it was very proper to take those steps. Steps were taken but what were the consequences and what were the considerations that arose? They were that the whole province made a contribution to resolve this problem which was mainly a Sikh problem. Then the canal was so projected that a greater part of the irrigation from it went to the areas which were owned predominantly by the Sikhs. Again, the resources of the whole province made a contribution towards that definite end that was in view that this should be done to help the Sikh community.

But then does it follow that if the population factor is not in favour of the Sikh community by itself or of the whole non-Muslim population put together, then this factor should persuade the Commission to allot this area to the East Punjab? How does that follow; though the argument is a part of the rest of the Sikh case. Emperor Akbar made a grant of the site of Darbar Sahib Temple. He also granted 500 bighas of land in jagir. He had previously granted 84 villages in jagir. Shahjahan made several grants at Nankana Sahib. Jehangir made a grant for Kartarpur gurdawara in Jullundur district. All these things are being pressed into the circumstances to support a claim that therefore these areas should be allotted to the East Punjab. The whole of the Punjab province made a sort of gift. It is quite proper, it should have done so. It was a very wise act on the part of the administration. But does that follow that because the benefit was provided for the Sikh population of that tract and the disbanded Sikh soldiers—even though the basis on which the boundary should be ascertained should be against them—they should be able to draw that area into the East Punjab. That I submit would scarcely hold ground. I will come to analyse all these factors relating to areas and so on later but the main central argument that because the object at that time was to help the Sikhs, therefore this area should go to East Punjab, cannot be reconciled with the terms of reference under which this Commission has to draw the boundaries.

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Let us take these three districts together. One feature that was stressed with regard to these districts was that they form the real Punjab as a whole, i.e., centre of the Punjab, and that they had a linguistic unit, that the language spoken there was standard Punjabi language and that in further central districts in the west the language became different and it become *'Lahnda'* This linguistic aspect need not detain the Commission very long. It is admitted in the census report that what is known as *'Lahnda'* is only a variation of Punjabi known as Western Punjabi. On page 273 of the *Census of India Report* for 1931, Volume XVII, Part I, there is paragraph 191 dealing with linguistic division. It describes *'Lahnda'* as Western Punjabi. On the following page 274 in the marginal note of paragraph 193, is *'Lahnda'* or Western Punjabi.

I submit that it is a matter within the knowledge of every member of the Commission that barring Ambala division, where Hindustani or Urdu is spoken, the language of the rest of the Punjab is Punjabi, though there are local variations. But the question was not so much of what language was spoken or whatever language was spoken in the districts of Jullundur, Lahore, Rawalpindi or Multan, no Punjabi had any difficulty in understanding it. I do not think any of the eminent non-Muslim lawyers practising in Lahore ever had any difficulty with a client from *'Lahnda'* —the only part that may be described as not belonging to the Central Punjab—in understanding the instructions that he wanted to give. These languages are easily understood. There are very slight variations of items, sometimes of phraseology, but they give no difficulty at all.

But the real question that Sardar Harnam Singh submitted was one of script. He, as a matter of fact, made a grievance that during the last census and the previous census of 1931 instructions were issued by Hindu organizations to the Hindus that they should get Hindi recorded as their language. The Muslims went out of their way to have Urdu recorded as their language. From the point of view of script this factor is immaterial and what is material is this that however the two parts of the province are constituted, the Muslims will continue to employ the Persian script, as it is their script, whether they are writing Urdu or even Punjabi. The Christians whatever vernacular they might adopt—most of them have adopted Urdu—will continue to employ the Persian script.

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Their religious literature when it is not in English is always in the Urdu language and the script in this part of the country, except when it is to be used by their European masters and *Padris* in which case it is Roman, is the Persian script. The Hindus whether their language is Hindi or it is in substance either Punjabi or Urdu will always employ the Hindi script. The only people that employ the Gurmukhi script are the Sikhs. So, on the basis of the script, no argument can be put up as, 'they will be in a small minority unless, of course, they intend to impose the Gurmukhi script upon all the people who may be included in the East Punjab.' I think they will find it difficult with regard to Ambala division. Sardar Harnam Singh stated that their plan was to separate the Ambala division and the Kangra district from the rest of the East Punjab and form the rest as the East Punjab, which will then be a pure Punjabi province. Be that as it may, in the matter of the script they will still be a small minority. With regard to the political implication of this further division, I shall make my submission later on.

Now I come to the tract of Lahore, Amritsar and Gurdaspur districts. Lahore has a total population of 16,95,375; Amritsar 14,13,876; and Gurdaspur 11,53,511. The total is 42,62,762. The Muslim population in these three districts is: Lahore 10,27,772; Amritsar 6,57,695; Gurdaspur 5,89,923. The total of Muslims being 22,75,390. That means that there is a Muslim majority of 2,88,018. In other words, it shows that on the population basis if you take the whole of this tract together the Muslims are in a substantial majority even leaving out the Christians.

But some of the calculations put in by the other side, when considering this area seek to exclude from it certain portions of the Gurdaspur district, that is to say, the portion which is beyond the Ravi and then they say the rest of it forms one whole. They exclude that portion from the Gurdaspur district but include the whole portion of the Pathankot tehsil. But if exclusion is permitted to take place, the whole homogeneous portion should be excluded. Proceeding on that basis excluding that portion of the Gurdaspur district that is on the Rachna side and including the whole of the Amritsar and Lahore, the total population is 39,47,464. Out of this the Muslims are 21,16,693 that is to say they form 53.62% of the total population. The Christians form

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3.68% of the population and combining the two they form 57.30% of the total population. Thus apart from the other considerations that the Commission may desire to take into account—for example, they might like to find out how many of the Scheduled Caste people would like to be on the West—the Muslims alone form 53.62% and the Muslims and Christians form 57.30% of the total population.

Then this area was sought to be divided up into different ways. If you divide it into tehsils as I have already submitted, there is a Muslim majority in all the tehsils of these districts except Amrtisar, Pathankot and Tarn Taran. In the sub-division of this area special stress was laid upon the position of Gurdaspur district. His objection was that even on the basis of population it is really a non-Muslim majority district. A part of the argument on that part of the case was disclosed and the rest was not disclosed. The part that was disclosed said that if you take up the registers of the census figures, not the printed tables which were published but the actual registers in which the number by villages and their population is entered and you add them up, the Muslim majority in Shakargarh is reduced from 7,600 to 410 but later on the figure was admitted to be 6,000 and something. Even then the proportion of Muslim population in the population of the whole district remains a majority. The next step was not explained, how even on the basis of that calculation the district became a non-Muslim majority area. I shall endeavour to explain that the facts regarding Shakargarh are not as stated by the other side.

Before I come to deal with that matter in detail, I do want to make this submission. The printed tables are published as quickly after the enumeration as is possible. No kind of interference with these tables is thus possible. As regards the village registers, the Commission have no evidence how they are compiled, not even any evidence as to whether they are in antecedence or contemporaneous with or subsequent to the published figures. What I mean is this—the Commission is aware by this time from the reports of various Census Superintendents that the actual enumeration is made on slips which are bound up together in books of hundreds. That enumeration having been made from those enumeration slips, all the subsequent compilations are made. We have no evidence here, and nobody is able to say, whether from the slips the final

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compilation for publication is first made and the village registers subsequently compiled or whether they are contemporaneously compiled or whether village registers are first prepared from these slips and it is from them that the figures for publication are taken, but an examination of these village registers will show that, and I shall have to draw attention to some of these features.

Attention has already been drawn by my friend to these features that they are in many respects very carelessly compiled from the slips. For instance sometimes you find that in the details one community is given as having so many males and no females. Discrepancy is not unnatural, and yet in some of these cases not always the examination of the entries would show that if you add up the compiled figures of males and females in each community, they generally come up to the total entries in the register and obviously therefore the discrepancy between the figures represents the males or females of that particular community that are not entered. Sometimes the register shows that everything is entered alright, all the figures tally in the sense that if you take the compiled figures and add them up they tally with the total of the different columns. Sometimes there is transposition of columns, that is, figures meant for one column are entered in another column, the number of Muslim males is entered in the column of Muslim females and the number of Sikh males would go into the next column. If it is a predominantly Muslim village then instead of 594 Muslims, the number of Sikh males would become 594 and the next column which ought to be of Sikh females but actually according to this enumeration would enter the number of Sikh males as let us say, 28. Obviously it is a mistake due to carelessness and I have already submitted that unless the Commission is prepared to embark upon taking the census again, it would be dangerous to depart from the printed figures. It is always the published figures that are taken.

The registers will show that sometimes one cannot be quite sure that the figure which is now shown there was the original figure. There might have been all sorts of interpolations. I do emphasise it in case I am not able to meet the point on the other side. There is a certain amount of discrepancy, but that discrepancy will not help my friends on the other side to arrive at the result at which they want to arrive. The result at which they want to arrive

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is this. They take trans-Ravi portion of the Gurdaspur district. They say it is comprised of the whole tehsil of Shakargarh, certain villages of Pathankot tehsil—I think they said 116; actually there are 98 villages—and they say 16 villages of Gurdaspur tehsil—but I think there is some confusion there; actually there are 12 villages of Gurdaspur and 5 villages of Batala tehsil.

For this composition of that area I have got official figures. I have taken these villages from the report dated the 17th July 1947 which has come from the district and shows the distribution of the district of Gurdaspur by *doabs*. That being the distribution, I shall give you figures, first with regard to the census register. Tehsil of Shakargarh: The total of the first column is 3,17,004 and the number of Muslims—4th column—1,61,158. Percentage of Muslims 50.84. There is an excess of Muslims of 5,312. If you add the Christians then there is an excess of 10,000, both combined. These are the figures printed in the *Census Report*. Now the total, according to the village registers, is as follows:

Total	3,17,456
Muslims	1,60,009

This does not exclude any of the villages in the Shakargarh tehsil. This differs from the figures on the other side. The error might be due to the discrepancies that I had already explained. We have not merely done the mechanical totalling of the figures. For instance where the total does not tally with the figures that are added and there is a deficiency of, let us say 241, and there are 311 Hindus entered but no Hindu females, then we have taken the obvious figure 241 as being the figure of Hindu females.

BAKHSHI SIR TEK CHAND: This is the total of the revised edition of the register.

SIR MUHAMMAD ZAFRULLAH KHAN: No edition at all. What you have done is that you have taken the actual register figures in various columns though they leave all these disparities unexplained. You take the figure as 890, for instance, where the detailed figures of males and females come up to only 600. You add up in the details 600 and you add up in the totals 890. That does not give you any correct picture at all. If that is to be done, I could finish my arguments in one minute. The total of the details and the total of the totals do not tally in their case. Further, they have made—we do not know for what reason—actual mistakes in

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calculation. The registers are there. The Commission can get them examined. The discrepancies may be verified.

(At the suggestion of Mr. Justice Din Muhammad[1] both the Congress party and the Muslim League agreed to nominate one person each to go into the matter.)

SIR MUHAMMAD ZAFRULLAH KHAN: Now, coming to my figures, there is an excess of Muslim populat on in this tract of 2,562 even on the village register figures. Therefore the whole of this tract—though I do not admit the decision of lumping this tract together, the object of which was to show a non-Muslim majority—even this lumping together makes it a Muslim majority tract and as such it comes within West Punjab as it is contiguous to the West Punjab with the Sialkot district on the other side.

There is a further complication which I seek to clear up. Even in Shakargarh tehsil there are villages which are on this side of the Ravi. That is a factor which in the total calculation would go against us because our excess of population on the other side of the Ravi would be reduced. That is the only correct basis on the official figures supplied to us, as to how much of tehsil Pathankot, how much of Shakargarh tehsil, how much of Gurdaspur and how much of Batala is on the other side of the Ravi. On that basis the figures worked out are, according to census figures: Total[2] 3,13,487; Muslims 1,59,201, giving a percentage of 50.81 and an excess of the Muslim population of 4,915. As there are roughly 5,000 Christians, that gives us roughly an excess of 10,000. But basing on the actual village registers, the figures of this part are: Total 3,13,939; Muslims 1,58,052, which gives an excess of 2,165 and if the Christians are added, of over 7,000, so that whatever method of calculation is adopted, the Muslims in this tract are in the majority. Therefore though this tract has been ingeniously put together, no explanation is given why the Shakargarh tehsil should not be counted as a unit. It does not serve the purpose that my friends on the other side designed it to serve.

(S. Harnam Singh then gave a statement showing the distribution of Sikh population.)

(At this stage the Commission rose for the day.)

[1] *The result of the investigation of the two-man Commission is given in brief in the foot note on page 435, infra.*

[2] *It has not been possible to check these figures for the reason that the names of the village which the portions of the tehsil comprise have not been specified.*

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IX

30 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Wednesday, 30 July 1947 at 10.00 am.)

ARGUMENTS OF THE BAHAWALPUR STATE

SIR MUHAMMAD ZAFRULLAH KHAN: This being the last day on which I will be making my submissions to the Commission and there still being two interests which have to make their submissions to the Commission in addition to the Muslim League, I propose, with the leave of the Commission, to make my submissions on behalf of the Bahawalpur State at the beginning and then ask the representative of the Scheduled Castes to submit whatever he has to say. The rest of the day I would then distribute between various aspects which I have to discuss.

MR. JUSTICE DIN MUHAMMAD: That is your choice.

SIR MUHAMMAD ZAFRULLAH KHAN: I will open the Bahawalpur case and I will try to deal with it as briefly as I can, having regard to the exigency of the time. The Bahawalpur rural economy up to about 1890 depended mainly upon the spill irrigation from the Sutlej in its lower reach, 150 miles downwards from the confluence of the Sutlej and the Beas. Another 150 miles lie before Panjnad after Sutlej has joined the waters of other rivers of the Punjab. The memorandum submitted on behalf of Bahawalpur State deals mainly with the problems that arise in connection with this first reach, the reach of the Sutlej river. In 1882, the Sirhind Canal, which lies about another two hundred miles above on the Sutlej, was constructed and began to supply irrigation to certain areas that affected the Bahawalpur spill supply to a considerable extent. When the Sirhind Canal opened, its draw of water was six thousand cusecs. It has since gone up to nine

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thousand cusecs which figure was reached about 1928 which was the time when the S.V.P.[1] canals also came into operation.

From the beginning of this century, from about 1905 upto 1920, various schemes were put forward for providing permanent irrigation to areas in the Punjab and Bahawalpur and Bahawalpur took objection to everyone of these projects on two grounds: one that the estimated water supply available in the river was above what their experts thought was justified and therefore it would not suffice for the areas they proposed to irrigate, and also that the proposal to supply water to Bikaner, which was a non-riverain state lying neither along the banks of the Sutlej, nor owning any area within the valley of the river, was unjustified. They fought persistently the figures put forward on the British side on the supply of water available and it would not be too much to say that the Council of Regency which was then administering the state on behalf of the minor ruler under the supervision of the Government of India, was practically dragooned to give its consent to the Sutlej Valley Project in 1920. They gave their consent under protest and still begging that the question of water supply should be made certain before the project was sanctioned. However, the agreement was executed on the 4th September 1920.

Two disasters of the greatest magnitude would have followed from this project if the prices of primary produce had not gone up considerably. *One* was that it was found that the original estimates of the project were grossly under-estimated and the share of Bahawalpur, which was originally fixed at 7.1 crore, was raised to 18.1 crores. Bahawalpur was unable to finance it from its own resources, the timetable could not be kept, and Bahawalpur waste land could not be sold, at least not at the price that had been estimated. For the purpose of this project Bahawalpur had to raise heavy loans from the Government of India and has altogether until now paid by way of return of capital of the loan and interest, over or round about 14 crores of rupees.

The second was that the estimates of the Bahawalpur experts with regard to water supply were found to have been completely justified and serious shortages of supply resulted. The present

[1] *Sutlej Valley Project.*

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position of that aspect of the matter is that during July, August and the first 20 days of September the supply is adequate as the river is running at its full strength but during the crucial months of February, March, May and June the supply falls very low with consequent loss of crops and revenue and swelling of the area in respect of which remissions have to be granted. The average remissions granted on the Sutlej Valley Project in Bahawalpur are 15.6%, representing about 1,33,000 acres; the highest in the year 1940-41 being 24.3%, that is 2,07,000 acres, as against 6% or 7% on normal canal areas.

This is one indication of how serious shortages have resulted from the project. In a good part of the area irrigated from these canals supplies sometimes run so low that the whole supply has to be utilised for the water supply of the tenants and their cattle in these areas and none is left over for the purpose of agriculture and ordinary irrigation. This matter was raised from time to time with the Government of India and committees and conferences were held over it and hopes and promises were repeatedly made that their supplies would be made up from the storage schemes which were under contemplation. I have here 23 extracts from various statements made by the Chief Engineers and other authorities in conference to that effect, which support this contention. It was mainly on the strength of these promises and hopes that were held out that in 1937 Bahawalpur consented to a reduction of its present supply from the Sutlej, which amounted to 13.3% in the Ghara reach with which the memorandum is concerned and 24.5% in Panjnad, an overall reduction of 17.96%. Those promises still remain unfulfilled.

Before I go on to the remedies suggested to Bahawalpur and the relief it asked for in connection with the boundaries, it may be worthwhile to explain what Bahawalpur's position is with regard to the Sutlej Valley Project.

My learned friend, Mr. Soni, when submitting the Bikaner case confined himself to the Ferozepore Headworks. Ferozepore is one of the three headworks on this reach of the river. The first is the Ferozepore Headworks and the importance of this headworks, apart from the quantities of water that go to the British Punjab, Bikaner and Bahawalpur from this headworks is that this is the regulating headworks in the whole system. If any mistakes are

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made in the distribution of water at these headworks, the resulting damage that may be occasioned to any of the parts cannot be rectified subsequently during that season in any case. That is the principal importance of the Ferozepore Headworks.

Then lower down, there is the Sulimanki Headworks and lower still is the Islam Headworks. Canals are taken from these two headworks which furnish irrigation exclusively to the West Punjab and to Bahawalpur. From the Ferozepore Headworks there are three canals taken off; one furnishes irrigation to Dipalpur, the other to Bikaner and the third, which is called the Eastern Grey Canal System, furnishes irrigation to some parts of the British Punjab and then at its tail to 50,000 acres of Bahawalpur. But the whole picture together shows that the shares of various partners in this project are: Bahawalpur 10,807 cusecs; Punjab minus Eastern Grey Canal, say notional West Punjab 13,250 cusecs; total of these two being 24,057 cusecs; Bikaner 2,720 cusecs; notional East Punjab 2,213 cusecs and the total of the notional East Punjab and Bikaner is 4,933 cusecs. This works out to be 83% for the notional West Punjab and Bahawalpur and 17% for the notional East Punjab and Bikaner. But if the part lying to the east of the Ferozepore Headworks is included in the West Punjab, as the Muslim League Memorandum suggests, then the proportion would be 90% West Punjab and Bahawalpur and 10% East Punjab and Bikaner. These are the shares of interest of the parties in the total distribution of the water, the distribution of which takes place at the Ferozepore Weir.

With regard to the interest of Bahawalpur in this matter, they are anxious that the interest of the state in the water of the Sutlej and its distributaries and the control of the weirs at Ferozepore, Sulemanki and Islam should not at any time be jeopardized. They are also anxious about the utilization of water made available from the storage schemes and in accordance with the hopes and terms that have been held out to them.

The first two interests can be safeguarded by drawing the boundary line in such a manner that the weirs should not be put to any kind of damage and that if any damage is effected, it could be easily and quickly repaired. The third is a matter to which I shall draw attention at the end. Now if the boundary line between the West and East Punjab is so fixed that the first two heads,

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Ferozepore and Sulemanki, are within the West Punjab (Sulemanki is already in the West Punjab) then so far as the state is concerned, its interests will be reasonably safeguarded. As I have already stated, on the basis of the notional division the Bahawalpur State and the West Punjab have between themselves 83 per cent of the interest in the water of the Sutlej and its distributaries and they, being the two major partners, could come to some sort of agreement between themselves with regard to the control of the waters and the regulation of the water supply.

I want to make it perfectly clear that Bahawalpur, though a predominantly Muslim state in respect of its population, does not take any attitude in this matter from the point of the view of the West Punjab being a predominantly Muslim portion. Even if it were the other way about that the West Punjab had been predominantly non-Muslim, the state of Bahawalpur even then would have suggested that the weirs should be in the West Punjab. Or take it in this way, if the share of Bahawalpur along with the East Punjab would have been the dominant factor, Bahawalpur would have insisted that the weirs should be in the East Punjab.

So far as Ferozepore Headworks is concerned, if the Ferozepore tehsil or the Ferozepore tehsil and the other area which has been claimed in the Muslim League Memorandum according to strategic boundary go to the West Punjab, that matter will be assured. If the contiguous area claimed in Fazilka in the Muslim League Memorandum or the strategic boundary suggested on behalf of the Muslim League is adopted, Sulemanki will also come in and Bahawalpur's interest in this matter is safeguarded.

There are other complications in regard to the two Bahawalpur canals that take off from Sulemanki and they are the Sadiqia Canal and the Ford Wah Canal. In the first three quarters of a mile, they are intersected, as it were, by a corner of the Ferozepore district. About a quarter of a mile below Sulemanki there is an angle coming out of Ferozepore district and that again creates complications. Bahawalpur has suggested that apart from other considerations as regards the boundary between the East and the West Punjab, this portion should be included in the West Punjab.

The second complication is that the canal railway which as you will notice from the map, takes off from the main line going to

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Mcleod Ganj at Chananwala railway station and serves the Sulemanki Weir, has a total length of six miles. It was constructed for the purpose of servicing and maintenance of the heads, and that is the purpose that it is designed to continue to serve. Whether for repairs or maintenance, if any kind of disaster unfortunately occurs at Sulemanki, this line would be the life line for the maintenance of the irrigation system from that weir and neither the West Punjab nor Bahawalpur could afford that this line should not be in their control. So the sum total of these last two considerations is that the area east of Sulemanki at least up to the main railway line running up to Mcleod Ganj should be within the West Punjab.

There is one further matter which Bahawalpur has requested the Boundary Commission to take note of, and that is that 29 villages round about Fazilka and including that little bit of triangle that I have mentioned were handed over in the last century by the Bahawalpur State to the British—as the original document says, *'batariqa-e-tawazu-e-be-takallufana'*[1] —and the state has now preferred a claim to the Crown representative for the return of those villages as under Indian Independence Act all contracts between the state and the Crown representative end.

MR. JUSTICE TEJA SINGH: Is that within our jurisdiction?

SIR MUHAMMAD ZAFRULLAH KHAN: No, sir, I merely say that you have been invited to take a note that that claim has been preferred to the Crown representative. A note might be taken that these 29 villages round about Fazilka may on the 15th August go back to Bahawalpur.

The last matter to which I wish to draw attention of the Commission is the safeguarding of the interests of Bahawalpur with regard to the promises made to them and hopes held out to them, with regard to their water supply being supplemented from the storage schemes, particularly from the Bhakra Scheme. That matter is dealt with towards the end of the memorandum. The storage sites on the Sutlej and Beas both lie high up in the hills. The Commission may again ask if that is within their jurisdiction. That is not the matter. Bahawalpur very emphatically urges and submits that the governments that might be concerned should by an agreement between themselves adjust equitably the interests of

[1] *a persian phrase meaning 'by way of informal courtesy (present)'.*

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Bahawalpur in this matter.

I have tried to put the Bahawalpur case as briefly as I could, you will find the details of some of these matters in the memorandum.

ARGUMENTS OF THE SCHEDULED CASTES AND MAZHABI SIKHS

SIR MUHAMMAD ZAFRULLAH KHAN: Mr. Salig Ram will now address the Commission on behalf of the Scheduled Castes and the Mazhabi Sikhs.

MR. JUSTICE DIN MUHAMMAD: Mr. Salig Ram, I may inform you that your credentials have been challenged by some members of your own community.

SIR MUHAMMAD ZAFRULLAH KHAN: Before I agreed to give him time I made myself sure by making enquiries personally yesterday from the two office-bearers, the President and the Secretary of the Depressed Classes League, that they had no mind to challenge Mr. Salig Ram's credentials.

MR. JUSTICE MEHR CHAND MAHAJAN: You might have seen only two persons but the representation received by us is signed by hundreds of persons. It is a very lengthy one in which they say that this Salig Ram was a candidate for a job of Public Prosecutor and the West Punjab people have promised him that job and that is why he has decided to appear before the Commission.

SIR MUHAMMAD ZAFRULLAH KHAN: Now, sir, I shall ask you, "Would it be a disqualification for me that I was not a member of the Scheduled Castes, if I were to argue the case of the Scheduled Castes". It does not matter what he personally is, Mr. Salig Ram has come here as a lawyer to represent the Mazhabi Sikhs and Scheduled Castes.

MR. SALIG RAM: Sir, so far as my representative character is concerned, I do not think any question arises because from the other side our revered friend Rai Bahadur Badri Dass has argued the case on behalf of the Scheduled Castes. I am coming here as a lawyer only and so far as my representative capacity is concerned, it does not arise. Again, sir, the President of the Pakistan Scheduled Castes Federation, Chaudhri Sukh Lal and Sardar Hari Singh Ramdasia—they are present in the Court.

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(Chaudhri Sukh Lal and Sardar Hari Singh Ramdasia supported Mr. Salig Ram in the Court.)

Again, sir, to make it more clear I am not only the representative of these people but I am the representative of the other side and whenever they need me, sir, they always call upon me and here is a letter which I will read out to the Court and which will show that I represent the other side also.

(Mr. Salig Ram read a letter in Urdu from Mr. Prithvi Singh Azad.)

This clearly shows that when those people are in trouble, they need my help and they want to utilise my services.

SARDAR HARNAM SINGH: May I know whether Prithvi Singh Azad, who is alleged to have written this letter, voted for the partition of the Punjab on 23rd June 1947 or not?

MR. SALIG RAM: Here are other letters written by Mr. Mandal and other Depressed Class members. There is not a single place where I am not invited.

MR. JUSTICE DIN MUHAMMAD: These documents show your representative character?

MR. SALIG RAM: Yes. My representative character should not be challenged because I come here as a lawyer just as R. B. Badri Dass has come.

Before making my submission as to whom the lot of the Depressed Classes should be thrown, it will be wise to state before Your Honours that these poor people have no independent voice. They have no funds at their disposal to maintain their leaders and public workers. They get hold of a little man who can speak out the real mind of the Depressed Classes but his voice is hushed up by force by other people sending telegrams and memoranda and people are set up against people. Taking all these things into consideration what I request the Commission is to take the past history of this community into account, as also the attitude of both the parties. Their segregation and isolation from the higher castes should be considered. So far as their lot is concerned, even people on the other side and the representatives who are in charge of social work would agree that these classes are having a very bad treatment which is worse than that shown to animals. For instance here is a letter from the Secretary, Arya Samaj, Kangra.

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MR.JUSTICE DIN MUHAMMAD: Please give an English translation of all the letters.

MR.SALIG RAM: Very well. Whenever some trouble arises anywhere, my services are required and I conduct the cases. For instance there was trouble about the taking of water. I had been conducting that case. This proves my representative character. So we have to see the treatment these people have been getting from both these sides. We have also to see that in this country a separate electorate is a thing which has given life to all the minority communities. So far as the Muhammadans, Sikhs and Christians are concerned, they could rise only with their separate representations. So these people are under the impression that in this way they can improve their lot.

They can make progress only if they get their political representation separately from other classes, especially from classes who do not keep in common with them wells, kitchens, places of worship and so on and who have no sympathy with them, so much so that they do not even allow them to remain in the same *abadis*. I submit and I challenge that there is not a single village or place where the caste people and the Scheduled Classes live in one locality. They are not allowed to take water from the same wells, they are not allowed to get into their kitchens and they are not allowed even to touch the high caste people. They cannot enter even their places of worship. There is no doubt that isolation is existing and they have nothing in common with caste Hindus.

Therefore separate representation is the only thing that can improve their lot. I do not say that a joint electorate hampers the advancement of the people. But a joint electorate is the goal and is not the means. If we have joint electorates at the very outset, it means beginning with the goal or with the end. It is starting on a wrong principle and with a wrong presumption. Joint electorates will only be proper in the natural course of events when all communities in the country stand on an equal level. A patient requires medicine and special diet. Similarly communities who are backward require special representation and special encouragement. I therefore submit that separate representation is the only solution of the problem and we have to join hands with those people who have always been supporting separate representation.

Right from the Round Table Conference we have been seeing

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the attitude of both sides. At the Round Table Conference the greatest Hindu and mahatma like Mahatma Gandhi has been opposing joint electorates and separate representation for the Depressed Classes, though he could well recognize representation for the Muhammadans. He could also say that the Christians could have the same thing. But so far as the Depressed Classes were concerned, seeing that there was no way to get out of the trouble, he said that he would be with them if they opposed Dr. Ambedkar in the matter of separate representation. There was the Poona Pact and authors of the Poona Pact just hushed up the voice coming from the opposite side. So far as these classes are concerned, I submit there are two kinds of elections. If Your Honours be pleased to study the figures and the number of votes in the primary election, the people who get more votes in the primary elections can only be said to be the true representatives of the Depressed Classes because it is the Scheduled Castes people who give them a representative character.

MR. JUSTICE DIN MUHAMMAD: What are you driving at?

MR. SALIG RAM: My point is that so far as the eight M.L.As. representing the Scheduled Castes are concerned, they do not represent the interests of the Scheduled Castes inasmuch as they voted on the other side.

MR. JUSTICE DIN MUHAMMAD: Do you wish to say that the eight M.L.As. who have been elected by the Depressed Classes, do not hold a representative capacity?

MR. SALIG RAM: I am advancing that argument on the strength of the number of votes that these members have got in the primary election, that is, the election held within the Scheduled Castes. Only those people can be the true representatives of the Scheduled Castes who polled more votes from among the Scheduled Caste votes. The eight M.L.As. were returned on the strength of the votes of the caste Hindus.

MR. JUSTICE MUHAMMAD MUNIR: Is it possible under this system that a candidate who polls the least number of votes at a primary election may be elected as a representative of the Scheduled Castes in the final election on the strength of Hindu votes?

MR. SALIG RAM: It is possible. And that is what has actually happened. This we find has not been the attitude of the Muhammadans. They have been supporting the case of separate representation for the Scheduled Castes, so much so that they have

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been good enough to set apart a seat for the Scheduled Castes from their own quota in the Interim Government and have nominated Mr. Mandal, the leader of our party. Again, there is not a single letter addressed to Lord Wavell by Mr. Jinnah where he did not advocate the cause of the Scheduled Castes. Then, sir, because untouchability is not known to Islam, and as we see that our people are having a better treatment in the Muhammandan villages, the interests of the Scheduled Castes lie in the fact that they should be put together with the Muslims.

So far as Mazhabi Sikhs are concerned, a representation has been made by them in which they say that so far as the caste system is concerned, it is as rigid in the Sikhs as in the Hindus. So far as Mazhabi Sikh untouchables are concerned they have separate gurdawaras, if they have any; they get a different kind of *amrit* and they have nothing in common with the rest of the Sikhs.

MR. JUSTICE MUHAMMAD MUNIR: What is the difference between an ordinary Sikh and a Mazhabi Sikh?

MR. SALIG RAM: A Mazhabi Sikh belongs to the Scheduled Castes. The difference is that an ordinary Sikh is a Caste Hindu and a Mazhabi Sikh is a Scheduled Caste Hindu. *(Laughter).*

ARGUMENTS OF THE MUSLIM LEAGUE—*Resumed*

SIR MUHAMMAD ZAFRULLAH KHAN: Sir, I understand that the Director of Land Records has now supplied his official maps including the areas claimed by the Muslim League in its memorandum. If that is so, it is requested that that might be made a part of the record of the Commission.

MR. JUSTICE DIN MUHAMMAD: We have received two maps, one showing the Muslim majority areas tehsil-wise and the other also showing the contiguous majority areas outside the tehsils. These two maps have already been received by us and they are on the record of the Commission.

BAKHSHI SIR TEK CHAND: If there are spare maps, they may be made available to us.

MR. JUSTICE DIN MUHAMMAD: You can have these and use them.

SIR MUHAMMAD ZAFRULLAH KHAN: Yesterday I referred the Commission to the comparative position of the Muslims and

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the Sikhs in various districts, e.g., Sialkot, Gurdaspur, Sheikhupura, Montgomery and Multan and I said that I would supply the tables. I am handing over five copies[1].

When I was dealing with the population figures of the trans-Ravi portion of the Gurdaspur district, the Commission was pleased to observe that the confusion with regard to the figures based on the registers might be cleared up by the appointment of one commissioner on our side and one on the other and both of them may jointly examine the registers and make a report. On our side Mr. Ghulam Yusuf, *Daftar Qanungo,* Gurdaspur, will work in that capacity.

MR. SETALVAD: Mr.Bihari Lal Nanda Advocate from Gurdaspur will represent the non-Muslims.

SIR MUHAMMAD ZAFRULLAH KHAN: The Commission may now be pleased to give directions as to how they are to start the work.

MR. JUSTICE DIN MUHAMMAD: Where are the registers?

BAKHSHI SIR TEK CHAND: They are lying here and they can start the work today.

MR. JUSTICE DIN MUHAMMAD: You can depute these gentlemen to go into the registers. The Superintendent of the Commission's office will guide them.

BAKSHSHI SIR TEK CHAND: Mr. Bihari Lal Nanda is the Commissioner. One other man will go to point out the figures.

SIR MUHAMMAD ZAFRULLAH KHAN: Mr. Sharif Husain also will go forth from our side.

MR. SETALVAD: Mr. Gorakh Nath Sharma of Shakargarh will be the second gentleman from our side[2].

There was a letter of 17th July 1947 mentioned yesterday and it was stated to have been received in the office. My learned friend referred to it. We enquired from the Commission's office. There is no letter about Batala and the trans-Ravi region.

SIR MUHAMMAD ZAFRULLAH KHAN: It is a report.

MR. SETALVAD: We could not find it in the record of the office. We were told that there is no such communication.

SIR MUHAMMAD ZAFRULLAH KHAN: Subject to the result

[1] *Not available in the Commission's records.*

[2] *See p. 423, supra, footnote 1. The joint report submitted to the Commission on 31 July 1947 has been reproduced in Appendix XIII.*

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of the investigation of the distribution of population in the trans-Ravi area of Gurdaspur district, I have this submission to make with regard to Shakargarh tehsil by itself that the other side has not made an attempt even of the kind made by them with regard to Gurdaspur and Batala. Omitting this or that in the other or taking portions into consideration alone they concluded that it is a majority non-Muslim area. Even on their own calculation of village population figures Shakargarh nevertheless continues to be a Muslim majority tehsil. It does not matter whether the majority is 1,600 and odd or 7,600 and odd.

MR. JUSTICE MEHR CHAND MAHAJAN: It was said that the population between Ravi and Ujh is Hindu and between Ujh and Basantar is also Hindu, and beyond Basantar is not Hindu.

SIR MUHAMMAD ZAFRULLAH KHAN: May be. It is not mentioned by me. But in the centre the bulk of the population is Muslim. The whole of that unit being a Muslim majority area, I fail to see how by adding a portion of the Pathankot tehsil, it would convert the whole unit plus something into a majority non-Muslim area. Shakargarh tehsil taken as a whole unit, as it has been, is a Muslim majority area on the analysis of population and it divides that portion of Pathankot tehsil which is on the other side of the Ravi.

MR. JUSTICE MEHR CHAND MAHAJAN: Have they not accepted that tehsil as a unit?

SIR MUHAMMAD ZAFRULLAH KHAN: I am only saying that on my own basis. Any large unit, may be a tehsil.

I do not know how to refer to this document which I have in my hand. This is called "Statement No. I", giving "Distribution of Doab District Gurdaspur" of land revenue paid by doabs, then villages and figures are mentioned and so on and so forth. That is a statement of the Revenue Assistant, Gurdaspur, dated 17th July 1947 which has been submitted to the Commission. This statement also shows the areas owned by Muslims, Sikhs and Hindus in that part.

BAKHSHI SIR TEK CHAND: Who has signed that statement? Obviously a Muslim officer has signed it.

MR. JUSTICE MEHR CHAND MAHAJAN: There has been trouble with regard to this matter. First we received the statement signed by a Hindu Revenue Assistant.

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SIR MUHAMMAD ZAFRULLAH KHAN: It is also signed by a non-Muslim officer.
MR. JUSTICE MEHR CHAND MAHAJAN: Then it was signed by another Muslim Revenue Assistant.
BAKHSHI SIR TEK CHAND: If it is jointly signed, then it is alright. May I see it?
SIR MUHAMMAD ZAFRULLAH KHAN: There is nothing in particular about it. This is signed by Muhammad Amir Ali and Gurbaksh Singh.
BAKHSHI SIR TEK CHAND: What does it contain?
SIR MUHAMMAD ZAFRULLAH KHAN: It contains the total area owned by Muslims, Hindus and Sikhs and the land revenue paid by Muslims.
MR. JUSTICE DIN MUHAMMAD: I have sent for the original from the office.

SIR MUHAMMAD ZAFRULLAH KHAN: I have excluded the trans-Ravi area. I have disposed of Amritsar, Gurdaspur and Lahore. I have these further tables again on the basis of population and combination. I will deal with every aspect of that area that has been dilated upon by the other side. The First[1] one is the distribution of population community-wise in the areas of the Upper Bari Doab Canal minus the part of Pathankot tehsil not claimed by the Muslim League, that is, homogeneous areas on the Upper Doab Canal minus the trans-Ravi area. In this the Muslim proportion is 53.95%; the Christians being 3.75%, the total comes to 57.70%.
MR. JUSTICE MEHR CHAND MAHAJAN: This includes the city of Lahore?
SIR MUHAMMAD ZAFRULLAH KHAN: It includes the whole of Amritsar district, Lahore district minus the areas of that portion of Pathankot tehsil and minus trans-Ravi portion of Gurdaspur district; it includes the whole of the rest. The area of the Upper Bari Doab tract is 3,000 sq. miles.
MR. JUSTICE MEHR CHAND MAHAJAN: The whole area of the three districts is 6,000 sq. miles. We should be clear as to what is the area of this tract.
SIR MUHAMMAD ZAFRULLAH KHAN: 3,000 miles are within the irrigation boundaries of the Upper Bari Doab Canal. The

[1] *Appendix XIV, infra.*

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heading of the document[1] is "Distribution of population community-wise in areas irrigated by the Upper Bari Doab Canal...". The word "irrigated" should be cut out and read "Doaba".

BAKHSHI SIR TEK CHAND: Does this distribution community-wise comprise Gurdaspur and Lahore districts?

SIR MUHAMMAD ZAFRULLAH KHAN: It comprises Gurdaspur, Amritsar and Lahore districts, minus a portion of the Pathankot tehsil not claimed by us, and the trans-Ravi area of Gurdaspur district. I have said so three times.

The next statement that I beg to submit is a statement[2] on the distribution of the population in the areas irrigated by the Upper Bari Doab Canal, that is to say, taking the outer boundaries of the irrigated portions and including the whole area inside. The Muslim proportion there is 51.55%. It includes the population of the tract taking the outer boundaries of the irrigated area.

MR. JUSTICE MEHR CHAND MAHAJAN: Does it include the city of Lahore?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, sir, I have taken the outer boundary line of the irrigated area. The population of the Muslims is 51.55%, the Christians are 3.29%; the total being 54.84%.

The next statement[3] that I am going to hand over is a statement including the whole of the Pathankot tehsil, that is to say, the upper part of the Bari Doab minus the trans-Ravi area of the Gurdaspur district. The Muslim population is 53.62%, that is to say, the whole of the districts of Lahore, Amritsar and Gurdaspur within the two rivers—Beas and Ravi—comprise a Muslim majority area.

Now take the whole of the Bari Doab right from the top down to Multan. That was one of the divisions that my learned friend pointed out as a natural division of the Punjab into doabs. The Muslim population[4] is 62.02%; the Christians are 2.75%; the total being 64.77%. If you add Kangra, the total population would roughly be 76 lakhs and if you add 45,000 Muslims to the total of the Muslim population the grand total of Muslims would be 42

[1] *Appendix XIV, infra.*
[2] *Appendix XV, infra.*
[3] *Appendix XVI, infra.*
[4] *Appendix XVII, infra.*

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lakhs that still leaves a Muslim majority. These are rough calculations; the exact figures can be worked out.

The next statement[1] shows the position of the various communities in regard to the number of owners, occupancy tenants and the areas held by them and the tenants-at-will of the Gurdaspur and Amritsar districts. We have not been able to get complete figures with regard to the Lahore district but the second statement[2] that I am handing over relates to the Lahore tehsil. All these figures go to show that once you get away from the owners and get on to the occupancy tenants or the tenants-at-will, the proportion of Muslims begins to rise which again emphasises what I submitted yesterday that the Sikhs may hold bigger holdings but when you come to the actual number of the people tilling the soil and therefore in every sense rooted to the soil, as my learned friend argued, the picture begins to change colour even in the areas where the ownership is predominantly Sikh or non-Muslim.

Take the figures of population which is the basic consideration for the boundary line in any manner you like. You get the result given in the Muslim League Memorandum. If you go by tehsils in this area, Amritsar, Tarn Taran and Pathankot taken as tehsils have a majority of non-Muslims. Taking these tracts together and not excluding this area here and including that area there but taking that together, if you take the area in the outermost irrigation line district-wise, the Muslims have an absolute majority of their own which is enhanced by Christians joining them.

With regard to Gurdaspur a special feature was made out by the other side that if you take the number of adults in the districts, the number of Muslim adults is much less than the number of non-Muslim adults and that if there had been a question of referendum with regard to that district, non-Muslims would have a majority. Now that submission on behalf of the other side is based upon several fallacies which I shall respectfully invite the Commission to examine. The first is that the other side took the proportion of Muslim adults to the total population arrived at in the census of 1931 and applied it to the census figures of 1941, forgetting that if a referendum were to take place it would take place in 1947, and not in 1931 or even 1941. They also forgot that if the referen-

[1] *Appendix XVIII, infra.*
[2] *Appendix XIX, infra.*

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dum were taken, it would not be of any particular community. In a referendum in a district of that kind, Christians and quite a large number of Scheduled Castes and Mazhabi Sikhs would be prepared to vote with the Muslims.

What I further desire to submit is that the proportion of Muslim adults to the total population given in the various censuses as set out in the Congress Memorandum is this: in 1911—47.4, 1921—48.2 and 1931—49.2. Sir, the main proposition would thus be that Muslims are in a majority in the total population but they have a large proportion of children than of adults as compared with the other communities. Now what does that establish? That establishes that the Muslim nurseries are more full of children than the non-Muslim nurseries and that the Muslim proportion in the population is rising. That is the explanation and it is supported by the fact that from 1911 onwards the total population of Muslims was rising and the Muslim adults' proportion in the population was also rising. That should be a matter of some concern to the other communities, but I am leaving that out. Figures for 1947 would be arrived at by simple calculation. Every child who was five years of age in 1931 would be 21 years in 1947 if he had survived. Take the number of people in the age groups from 5 to 20 in the census of 1931 each year, subtract from them the number of deaths which for the purpose of this calculation can be taken from the average death rate of the year, you get the net result how many survivals each year, you add them up to the total of the adult population as it then existed and you will get the net result of adults living in 1947.

(A statement[1] was handed over to the Commission.)

As a result we get the total number of adults in 1947: 6,05,948, out of which the Muslims work out to be 3,08,134 and non-Muslims 2,97,814, which gives a net excess of Muslim adults over non-Muslim adults of 10,320. We have also worked out Christians' figures[2] on that basis and the total Christian adults in 1947 would be 27,082 which would make a difference of another 54,000 because that figure should be subtracted from the non-Muslim total and added to the Muslim total for purposes of a

[1] *Appendix XX, infra.*
[2] *Appendix XXI, infra.*

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referendum, which would give a net excess of over 64,000.

Now come to other features of the Gurdaspur district, i.e., the cultural features. The entire press in the Gurdaspur district is owned by Muslims and it consists of the following:

one urban daily—*Al-Fazl;*
one Urdu weekly—*Noor;*
two Urdu monthlies—*Dunya ke Mazahib per Nazr* and *Furqan;*
one English monthly—*Review of Religions;*
three quarterlies:
one commercial (Urdu)—*Tijarati Mukhbir;*
one Gurmukhi—*Sath Bachan;*
one *Krishan Sandesh;*

all owned by Muslims.

MR. JUSTICE MEHR CHAND MAHAJAN: Are these figures accurate? You say that the entire press is owned by Muslims. I know there is at least one Hindi paper owned by a Hindu in the Gurdaspur town itself.

SIR MUHAMMAD ZAFRULLAH KHAN: May be. There is one monthly from Pathankot, I understand.

MR. JUSTICE MEHR CHAND MAHAJAN: I do not know. I remember one. There may be others.

MR. SETALVAD: Unless we have some official statement, it is difficult to check it up.

SIR MUHAMMAD ZAFRULLAH KHAN: Then there are two degree colleges in Gurdaspur district, one at Batala which is Christian and one at Qadian which is Muslim. The Qadian college has applied for starting science classes for B.Sc. and M.Sc. also. There is Science Research Institute, the only one in the province and almost certainly in India and it prepares students on the practical side for M.Sc. courses.

Then on the religious side, the significance of Qadian has already been submitted to you by the counsel who addressed you on the Ahmadiyya Memorandum and I draw your attention to only one feature. Qadian is the headquarters of the most active missionary and educational organization among the Muslims with branches in all parts of the world.

In industry Batala has had an iron and steel industry which is

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predominantly Muslim. The figures with regard to the Batala industry are taken from the Batala Teshil Muslim Memorandum[1] submitted to the Commission and marked No. 14[2]. Out of these, 191 are recognized foundries and factories out of which 175 are Muslim. The schedule attached to that memorandum sets out the capacity of these factories and so on and the value of the machinery runs into crores. Then there are small blacksmith workshops and so on which are entirely Muslim.

In the town of Batala, the Muslims pay more income tax, a feature which is unique. At Qadian itself there is a whole collection of industries not only manufacturing items of electrical goods and equipment but also manufacturing agricultural machinery and implements, cases for torches and so on. Some of these articles are not manufactured anywhere else, for instance, magnets. During the war the magnet factories supplied a very large number of army compasses to the army. The army had made efforts to get them manufactured at other places in India but did not succeed. Qadian was the only place that produced a complete army compass including jewels and everything else. Then on the side of industry the only other town or place within the district which has any industry to speak of is Dhariwal which has woollen mills. But these mills are owned by a British company. They are non-Muslim in this sense but not in the sense that they are owned by non-Muslim Indians.

MR. JUSTICE MEHR CHAND MAHAJAN: The name is the British India Corporation but the shares are mostly owned by Indians.

SIR MUHAMMAD ZAFRULLAH KHAN: But we have been going by the denomination of the management.

MR. JUSTICE MEHR CHAND MAHAJAN: No doubt the manager is a European but the shares are mostly held by Indians.

SIR MUHAMMAD ZAFRULLAH KHAN: Again, the labour in all factories including the one at Dhariwal is very predominantly Muslim. Within the district of Gurdaspur there is a town of Kalanaur which has a very historical significance. The great Moghul Emperor Akbar ascended the throne at Kalanaur.

That is the position with regard to Gurdaspur district. It is a Muslim majority district taken as a whole. It has a majority of

[1] *Vol. I, p. 470.*
[2] *Vol. I, p. 475.*

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Muslims in the population of three of its tehsils, namely, Batala, Gurdaspur and Shakargarh. It has a majority of adult Muslims, if that is of any relevance. It is the only district where the Muslims have been able to put forward a successful effort to find a footing in the industrial field. It contains a head-work of a world-wide religious Muslim organization. Culturally, as I have shown, it is well ahead of the other communities both in respect of the press, publications and number of colleges. I have omitted one item with regard to Qadian. It has the biggest girls school in the district, having 1,300 students on its roll. As a matter of fact the significance of Qadian may be gauged from this that out of the total population of 15,000 there are 9,000 voters on the rolls, that is to say, practically every adult is a voter and the number of women voters is about the same as the number of male voters. From that you can judge the standard of literacy and other qualifications which make a community practically an adult franchise community. How and on what basis is it claimed that the Gurdaspur district should be treated as a non-Muslim majority district and should go to the East Punjab? I submit that there is not the slightest justification for that.

The city of Amritsar has many features which make it an object of attachment for the non-Muslims but it has been stressed on the other side that its commercial and industrial importance is such and its position with regard to road-railway transport is such that it must go with the rest of this tract. The only difference is that the other side claims that the tract should go with Amritsar and we claim that Amritsar should go with the tract.

But look at the position with regard to Lahore. You come to the city of Lahore. The claim on the other side is to exclude Lahore. This morning also when I was submitting these tables, queries were made which were designed to show that if Lahore were excluded from some of the tables I submitted, the result of the population distribution may perhaps be different. But when you go to Amritsar, the claim is that it should go along with it. You have got to view the whole problem in its proper perspective.

If my learned friend opposite insists that these three districts as a whole must be treated as one tract, I shall very well treat it as one. The basic consideration on which the boundary line is to be

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drawn is the ascertaining of majority areas of Muslims and majority areas of non-Muslims. But whatever basis you take, you will find that the tract is a majority Muslim tract. These considerations are put before the Commission by the other side so that a certain amount of weight ought to be attached to non-Muslim interests in this tract. As against that there are equally heavy, if not heavier, Muslim interests besides population to which importance has to be attached. Therefore the basic consideration still prevails and the whole tract must go to the West Punjab.

One feature with regard to Amritsar City to which I might invite attention is that at Amritsar is located the Government Canal Central Irrigation Workshop. The provincial investment in that is of the order of 5 crores and obviously these workshops have relation to the whole of the canal area. They have not a mere local significance. They are therefore of the same importance as the Field Hydraulic Laboratory at Malikpur.

Then come to the city of Lahore. Here the Muslim percentage in the population is just over 64. Historically it has always been, except for a very short period, the Muslim capital. I will not say from time immemorial—as my learned friend Sardar Harnam Singh went on insisting that the Sikhs had done this and that from time immemorial—because Islam itself originated within historical times. Therefore, with regard to Islam, whatever may be the case with regard to the Sikhs—I am not making a claim of time immemorial—the Muslims acquired the Punjab for the first time about over nine hundred years ago. Lahore continued to be a Muslim capital with all the associations that cluster around such a place. I have said, "except for a short time" in the time of Maharaja Ranjit Singh when in effect it was the capital though if one were inclined to go into the technicalities, Maharaja Ranjit Singh held the Punjab from Shah Zaman but it is true that he was the effective ruler of the Punjab for that short period.

History has left behind such great monuments as the Shahi Mosque which is one of the most outstanding places of worship in the world.

MR. JUSTICE DIN MUHAMMAD: The largest.

SIR MUHAMMAD ZAFRULLAH KHAN: And as has been suggested by one member of the Commission, the largest, though I am bound to acquaint that that claim is contested by the Mosque

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of Ibn Batoon in Qaroon. Anyway if it is not the largest, it is certainly the second largest. It is unnecesary to emphasise before this Commission to what degree the sentiments of Muslims are attached to that place of worship. It is the fort opposite to the mosque which also contains the Mughal palaces. The Emperor Jehangir, the Empress Nur Jehan, her brother Asaf Jah, who was the father of the lady who is buried at Taj Mahal, Agra, have their tombs on the other side of the Ravi. There are numerous Muslim shrines and historical monuments besides those that I have mentioned. For instance, there is the Wazir Khan Mosque, there is Golden Mosque, there is the tomb of Hazrat Data Ganj Bakhsh, there is the tomb of Hazrat Mian Mir Sahib whose spiritual eminence might be judged from the fact that he was requested by Guru Ram Das to lay the foundation of the Golden Temple at Amritsar. There is the tomb of Hazrat Shah Abul Maali, Shah Muhammad Ghaus, the tomb of Qutb-ud-Din Aibak—this tomb is not well known but it lies just off the Anarkali and the Medical College. There are the Shalamar Gardens etc. A list of principal shrines will be supplied to the Commission.

From the cultural point of view there is the Punjab University which is the only university that serves the Punjab, the N.-W.F.P., Baluchistan and Kashmir. There are a host of industrial and technical institutions. There is the premier medical college of the province which also serves the same areas which I have mentioned in connection with the Punjab University though there is now also the Glancy Medical College at Amritsar. There is the Engineering College, the Dental College, the Commercial College, the Law College, the Oriental College serving the needs of not only this province but also the provinces that I have mentioned in connection with the university. It is the centre of road and rail communications; a vital centre for West Punjab. It has the civil aerodrome for air services which serve the needs of this part of the world.

MR. JUSTICE DIN MUHAMMAD: You have forgotten the biggest of the Muslim organizations, the *Anjuman-i-Himayat-i-Islam* and the institutions run by this anjuman.

SIR MUHAMMAD ZAFRULLAH KHAN: I will make out a list.

There are railway workshops at Mughalpura which the opposite side have made a claim that those should be allotted to the East Punjab as the East Punjab would not be adequately served by other

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railway workshops. Here again the same fallacy prevails the argument. When you come to strategic considerations, you are engaged upon drawing a boundary not between two parts of the province but between two sovereign independent states and when with regard to particular features it suits my friends on the other side, they begin to compare East Punjab with West Punjab. Take the whole railway system which will be divided up and you will find that this is the only railway workshop of any size which will be available to the whole of Western Punjab on this side. Three workshops have been referred to on the other side, namely, Karachi, Sukkur and Rawalpindi. They are aware of the fact that since the war the greater portion of all these has been dismantled. They are not today in any sense railway workshops at all. My friend adds that they can be easily re-equipped from machinery which may be lent or purchased from the Mughalpura Railway Workshops but the fact remains that these workshops are the only workshops of any size serving the purpose of railway workshops within the whole of the Pakistan area. The other side have Parel Workshop at Bombay, G.I.P. Railway, there is the Matunga Workshop at Bombay, G.I.P. Railway, Mahalakhshmi Workshop of the B.B. & C.I. Railway, Jhansi Workshop on the G.I.P. Railway, Lucknow Workshop on the E.I.R., a very large unit at Jamalpur in Bihar on the E.I.R., the Golden Rock Workshops near Trichnopoly near Madras, the Kanchrapara Workshops on the B.N. Railway and the Lillooah Workshops. There may be others too. There are only two mints in India, one at Calcutta and the other at Lahore, that is one in India, and one which will serve the needs of Pakistan.

Kasur Town also has continuous Muslim historical associations. The population is predominantly Muslim; 74% are Muslims. It also has the tomb of Hazrat Bullhe Shah whose *kafees* are sung indiscriminately by all Punjabis whether Muslims or non-Muslims. While I am dealing with towns, I may say one word with regard to other towns which are within the claim both of the memorandum as well as the strategic map, that is to say, Jullundur which has a Muslim population of 59.3% and Ludhiana which has a Muslim population of 62.8% and which again have continuous Muslim historical associations.

Some point was made on the other side with regard to cantonments. Again, though Rawalpindi is a large cantonment, yet there

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are numerous large cantonments in the rest of India. There are several cantonments of quite a fair size and very conveniently and comfortably situated in the East Punjab. For instance, there is Ambala, Kasauli, Sabathu, Digshai. There used to be one at Dharmsala but they have taken away the cantonment from there and put it at another place.

With regard to Lahore, I forgot to add that there is the Islamia College, the premier Muslim educational institution in the Punjab, with its orphanage and other institutions attached and the various activities of the *Anjuman-i-Himayat-Islam* which is the biggest educational association in the province and doing valuable work in the social field.

With regard to Ferozepore Town, it is also like Jullundur situated in a Muslim majority tehsil. I have drawn attention to the importance of Hussainiwala Canal Headworks on behalf of the Bahawalpur State. It would be just as well to put it down on the record for the West Punjab also for the reasons which I need not repeat.

Now reverting to the main argument, I submit that from all these points the tract of Gurdaspur, Amritsar and Lahore must be treated as one. It will be found that in addition to the population factor, there are these special features. The main point upon which stress was laid on behalf of the other side with regard to this tract was that it contains the Manjha and that the unity of the Manjha tract must be maintained. It can be maintained either way, if the tract is treated as one. But even if any other considerations necessitate the breaking up of the unity of a particular tract, that surely is not an overwhelming consideration which should rule out other factors (even in this tract what is described as Manjha tract, that is to say, the irrigation area in a majority).

Then it has been said that a lot of enterprise, labour, sweat and toil, etc. has been devoted to the development of this tract by Sikh landowners. My first reply is that the sweat and toil always come from tenants than from landowners. As I have said, when you get down to the number of occupancy tenants, the proportion of Muslims begins to increase. My second submission is that those who contributed toil and sweat—and you know it as a fact with regard to these Upper Bari Doab Canal areas—have reaped consi-

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derable profits, benefits and advantages from that investment. The fact that the canal was originally projected for two purposes, to give employment in the course of its excavation to disbanded Sikh soldiers and to provide irrigation for areas in which the predominant ownership was Sikh, really does not lead to the conclusion that if on the basic consideration these tracts are to go to the West Punjab, just because that favour was shown to the disbanded Sikh soldiery and the Sikh landowners of this tract, must now go to the East Punjab. If the toil and sweat argument is really effective, I can suggest an easy way of balancing it. I have submitted that the Chenab Canal Colony areas were owned mainly by Muslim tribes before the advent of the canal, but it is said on the other side that they have been developed by them (non-Muslims). I have shown by analysis that the Muslims have done more than their share. If they still think that Muslims have not made any sacrifice, then I submit that on the completion of Bhakra Dam, the Muslims would be quite willing to make their contribution or sacrifice in the way of sweat and toil, if the areas that may be irrigated by Bhakra Dam are allotted to them. That is something in which they lag behind. They can contribute as much sweat and toil to these areas as others can. But that is not the real argument.

Contribution was made by the whole province for having constructed the very first canal in the province for the benefit of the disbanded Sikh soldiers. That is something for which the other side ought to be grateful to the province, rather than to insist that the areas should go in the direction in which they wish them to go, in spite of the fact that the majority in all these tracts is of Muslims.

I now go on to the examination of some of the maps put in by the other side designed to show that certain areas in Doaba Bari and Doaba Rachna are non-Muslim majority areas. I shall presently give you a table giving you the population figures in Doaba Rachna. As regards Doaba Bari I have already figures which go to show that in that doaba the Muslims are in a majority. Now in Doaba Rachna also I will show by figures that the Muslims are in a majority.

Now in the area comprising Sialkot district, Shakargarh tehsil, Gujranwala district, Sheikhupura district, Lyallpur district, half of

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Jhang district, 12 villages of Gurdaspur tehsil, 4 villages of Batala tehsil and 96 villages of Pathankot tehsil, the percentage of Muslim population is 64.99 and that of Christians is 5.13 which gives you the combined percentage of over 70. This is how the population stands. I have already supplied figures of this doaba district-wise.

Before I proceed to the detailed examination of the maps with regard to these areas submitted by the other side, I would like to draw your attention to the fact that some of the figures on which they have based their claim are open to considerable doubt. I have got with me a report made by Mr. Amir Ali, Extra Assistant Commissioner from Gurdaspur, dated the 17th July 1947.

MR. JUSTICE TEJA SINGH : Made to whom?

SIR MUHAMMAD ZAFRULLAH KHAN : Sent through the Deputy Commissioner to the Commission. This is with reference to the ownership, acreage and land revenue figures. He says :

> I have signed the accompanying figures but I feel that the following points should be brought to the notice of the Director, Land Records, as the attestation would otherwise give an untrue picture of the state of affairs actually existing in the district.
>
> The telegram received concerning the data to be collected required us to give the number of land owners in each village, as also their number in each tehsil and their total number in the district. On the very first day when I took over charge of this work, I pointed out that this would swell the number of landowners than they really are as in many instances an owner owns land in more than one village. As my colleague had some doubt about the interpretation of the telegram on this point, the matter was referred to the Director, Land Records. Orders were awaited till the 14th. When we ultimately received instructions on this point the data had been collected according to previous instructions and was in the process of being typed. Each owner has been counted in as many villages as he owned land in. A considerable number of revenue staff had left on the 14th. Even if we had tried to collect the data according to the later instructions of the Director, Land Records, the task would have been physically impossible; the complete statistics were required to reach the Director, Land Records' office by the

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17th July.

I deal below with each tehsil so far as this factor is concerned. It may be mentioned here that taking the district as a whole the area owned by non-Muslims is considerably greater than that owned by Muslims. As such the figures regarding non-Muslim owners have been swelled to a much larger extent than the corresponding figures for Muslim owners. Generally speaking the Muslim owner in this district has land in one village alone. This cannot be said of non-Muslim landowners, some of whom own lands in as many as 12 villages. In Pathankot tehsil especially several records of rights have been compiled for each village—each *tika* having a record of rights to itself. Tirhari, Sarti and Hara are a few of such examples. In village Thara alone there are as many as 15 *tikas*. A landowner in this village will be counted 15 times over.

As the detailed data according to later instructions could not be prepared for the reasons given above, noted below are only some of the salient instances to show that the figures, as compiled, failed to give a correct view of the situation :

Pathankot tehsil— To quote an example *Hadbasts* Nos. 394 to 419 consist of villages which have more than one *tika*. The total number of *tikas* in these villages is 136. In village Thara there are as many as 15 *tikas*. The total population of *Hadbast* No. 402, village Chamrur is 18. The number of owners according to our method of calculation comes to 20. In *Hadbast* No. 405 village Bangalout out of a total population of 134, one hundred have been shown as owners and 4 as occupancy tenants. In village Sarti, *Hadbast* No. 404, I got the figures checked according to Director, Land Records' latest instructions. It was found that out of the total of 282 Hindu owners, 70 ought to have been deducted to arrive at the correct total of land owners.

This is what he says.

MR. JUSTICE MEHR CHAND MAHAJAN : May I know whether the figures that you supplied to us yesterday were right or wrong?

SIR MUHAMMAD ZAFRULLAH KHAN : At the moment I am referring to the figures supplied by the other side.

MR. JUSTICE MEHR CHAND MAHAJAN : The point is that either

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both sides are right or both are wrong. They gave certain figures and then you gave certain figures and now you say that they are wrong while you are right.

SIR MUHAMMAD ZAFRULLAH KHAN : I am not saying that the figures on the basis of which they have compiled the tables are wrong; I am saying that the tables they have prepared are open to doubt.

MR. JUSTICE MEHR CHAND MAHAJAN : This is Mr. Amir Ali's view and he has sent in a letter unsigned by the Deputy Commissioner. In the same way the other gentleman who prepared the statement may send in another letter giving his own view.

SIR MUHAMMAD ZAFRULLAH KHAN : But that is no fault of mine. If you like you can embark upon an investigation. I am giving what material I have before us.

Then we put in an application that something similar had happened in Lahore district. The President of the Provincial Muslim League wrote a letter to the Commission requesting that certain queries may be made with regard to these figures. I will read out the answer received :

> The figures given in the letter of Khan Iftikhar Hussain Khan, President, Punjab Provincial Muslim League, Lahore, to the Chairman, Punjab Boundary Commission, Lahore, have been checked with the revenue records with the following result :
>
> As to (a), the information is correct. 108 Sikh proprietors in village, Kahna Nau also own land in village Theh Panju. They have been counted twice over.
>
> As to (b), 524 Sikh proprietors in village Khudpur Uttar are also proprietors of land in village Manga Hithar and have been counted twice over.
>
> As to (c), 360 Sikh proprietors in village Khudpur are also proprietors in village Jia Bagga and have been counted twice over.
>
> As to (d), 34 Sikh proprietors in village Khudpur are also proprietors in village Baddoke and have been counted twice over.
>
> As to (e), 13 Sikh proprietors in village Chung Khurd are also proprietors in village Bhaikot and have been counted twice over.

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As to (f), 11 Sikh proprietors in village Gohawah are also proprietors in village Sehjpal and have been counted twice over.

MR. JUSTICE DIN MUHAMMAD : Who has sent this letter?
SIR MUHAMMAD ZAFRULLAH KHAN : This is a letter from the Deputy Commissioner, Lahore district to the Secretaries to the Punjab Boundary Commission.

The point I am on is that the Commission when examining these numbers should keep in mind that on account of the subsequent check up, the figures have been found to be very much open to doubt, not that there has been any checking up of figures on that side but that the figures that were made available were not prepared according to the instructions sent out by the Director of Land Records.
MR. JUSTICE DIN MUHAMMAD : Here is a note received from a non-Muslim Revenue Assistant giving an explanation for figures not having been prepared according to the instructions of the Director of Land Records. I will read it out to you :

This statement, as well as others, has been prepared in strict conformity with the original telegraphic instructions issued by the Director of Land Records, on the 5th July 1947. Related instructions, of which mention has been made by my colleague Mr. Muhammad Amir Ali, Extra Assistant Commissioner, could not be acted upon, as these were received on the 14th instant, when the *patwaris* had dispersed. The figures quoted by my colleague in his note shown to me just now lack entire authenticity.

SIR MUHAMMAD ZAFRULLAH KHAN : This must have been the cause in both the cases. The argument on the other side has been that we are numerous, we own more land, but now I have shown that the picture drawn by my friend Sardar Harnam Singh is quite untrue.
MR. JUSTICE TEJA SINGH : What is the result?
SIR MUHAMMAD ZAFRULLAH KHAN : The net result is that the figures are unreliable.

There are in the office of the Commission copies of a letter and telegram relating to *zail* figures supplied and *zail* maps prepared.

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(Mr. Justice Din Muhammad handed over the telegram and the letter to Sir Muhammad Zafrullah Khan who read them out.)

This is a telegram from the Deputy Commissioner, Gurdaspur, to the Financial Commissioner, Punjab, dated the 27th July 1947:

> Reference my express telegram No. 305 of 25th instant, supplying information in compliance with your telegram No. 455-R dated 22nd instant. Non-Muslim District *Kanungo* reported names of predominantly Muslim and predominantly non-Muslim *zails* in Gurdaspur without reference to census figures. *Zail* maps likewise prepared on unauthentic verbal information. Both documents attested by non-Muslim Revenue Assistant without associating Muslim officer nominated by me in this behalf.

The arrangement has been that all these figures should be collected together by two officers and should be signed by both, one Muslim and another non-Muslim.

I might also read out the letter of the Deputy Commissioner, Gurdaspur, dated the 28th July, 1947:

> Please refer to my telegram No. 337 dated the 27th July which was sent in reply to Financial Commissioner's telegram No. 455-R dated the 25th July and a copy of which was also sent to the President, Boundary Commission by express delivery. I give below the correct data regarding the predominantly Muslim and predominantly non-Muslim *zails* in the Gurdaspur district tehsil-wise. These are based on the 1941 Census and had been collected in connection with the redistribution of the District Board Constituencies by the Officer-in-Charge, Local Bodies on the 14th June, 1947.

At any rate they were collected previous to the dispute.

MR. JUSTICE MEHR CHAND MAHAJAN : Who has signed this letter?

SIR MUHAMMAD ZAFRULLAH KHAN : The Additional District Magistrate, Hasan Akhtar.

MR. JUSTICE MEHR CHAND MAHAJAN : It is not signed by his Hindu colleague.

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SIR MUHAMMAD ZAFRULLAH KHAN : He is acting as the Deputy Commissioner.

Then he says in his letter that in Batala tehsil there are 10 Muslim *zails* against 5 non-Muslim *zails*. In Shakargarh tehsil there are 8 Muslim *zails* against 9 non-Muslim *zails*. In the Gurdaspur tehsil there are 15 Muslim *zails* against 3 non-Muslim *zails*. Thus the total number of predominantly Muslim *zails* in the three tehsils is 33 against the predominantly non-Muslim *zails* of 17.

BAKHSHI SIR TEK CHAND : By calling predominantly non-Muslim *zails* , does it mean predominantly non-Muslim population or predominantly non-Muslim *zaildars*?

SIR MUHAMMAD ZAFRULLAH KHAN : I think it refers to the population. It is stated there that these are based on the 1941 Census and it had been collected in connection with the redistribution of District Board constituencies. I think the confusion that might have resulted in the first compilation might be due to what Sir Tek Chand has pointed out. Very often revenue authorities treat the *zail* as a Muslim or non-Muslim *zail* according to whether the *zaildar* is a Muslim or a non-Muslim and not with reference to the population.

We have had a list prepared from the figures available from the village registers in the office of the Boundary Commission with regard to the *zails* in the Gurdaspur and Batala tehsils, which are the predominantly Muslim population *zails*, they are shown in the map as non-Muslim *zails* but we find that they are predominantly Muslim *zails*. There are six such *zails* in the Gurdaspur tehsil which have been wrongly classified from that point of view and two in the Batala tehsil.

I have also had an examination made from that point of view of the *zails* in the Sheikhupura tehsil. Although the maps prepared on the basis of those figures might well show a particular area to be a non-Muslim majority area, yet in effect it is otherwise and also furnish contiguity, but one non-Muslim *zail* may break it.

To reinforce the argument based on the Sikh homeland conception, a map was put in showing the concentration of Sikh population in various *zails* of the province. The map also states that each mark on the map is supposed to give a sort of visual view of the distribution of Sikh population. We had it examined and

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found that in seven respects the number of marks is not correctly entered in the map.

MR. JUSTICE DIN MUHAMMAD : You remember, Mr. Setalvad promised to give these maps.

SIR MUHAMMAD ZAFRULLAH KHAN : The map that we have got is subject to rectification in the following respects. In the Nankana Sahib tehsil two marks are entered indicating a Sikh population of 50,000 or over or at least approaching 50,000 and over 37,500 in any case. The total Sikh population of Nankana Sahib tehsil is 31,562. Therefore one of the marks ought to be erased. In the Bhalwal tehsil one mark is put down but the Sikh population is only 6,484; none should have been shown. In Kaithal the Sikh population is 8,496. There should have been no marks, but there is one. In Jullundur tehsil four marks are shown but the Sikh population is only 86,996. This falls short of the middle between three and four marks and the marks should therefore have been only three. Four marks are shown in the Fazilka tehsil where the Sikh population is 70,771. Only three marks should have been given as the population is just below 75,000. One is shown in the Pindigheb tehsil where the Sikh population is only 3,347; none should have been shown. One is shown in Shorkot where the Sikh population is only 2,486; none should have been shown.

We have had a similar map prepared with side by side marks which indicate the Muslim population in some cases (one mark for 25,000) and also the Sikh population. This map will give a visual view of what the condition on the basis of population is within these areas which are claimed to be the Sikh homeland. It is only, I believe, in two tehsils of Tarn Taran and Moga that the Sikh marks are in excess of the Muslim marks; otherwise everywhere the Muslims preponderate.

We were surprised also when that map was produced on the other side showing two red areas in the Doab Bari and Doab Rachna and claiming that those were non-Muslim areas. I was more particularly surprised, as being to some extent familiar with the population distribution in the Batala tehsil, to find that a greater part of that tehsil was omitted and one corner contained two small white circles in the middle of the red patch. I shall come to a detailed examination of this map and having found the clue

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to it, we have had a map prepared of the Amritsar district by omitting the city of Amritsar and certain other portions where there is a concentration of non-Muslim population and stretching our majority in the east. It was possible, it could go because that was the clue of the map of the other side, showing Amritsar to be a majority Muslim area. These things involve a lot of calculation. I have got here a list of the villages which is in red giving the total population of Muslims of the areas that have been excluded and the rest of the district. When the population is counted it will give a majority Muslim area. I am not basing my claim on it. This map is put in merely to show what results can be obtained by having recourse to the kind of device which the other side have had to stretch the areas in which there is a majority of their community and to convert a particular area into a majority area. You have only to exclude the other community's area and once the exclusion is proceeded to the extent that you find a majority of your own community over the other, you take these areas and give your own colour to it. That kind of thing might be an excellent joke but cannot form the basis of a claim.

I shall come to examine the population figures of this area later. Also we have had a map prepared of the whole province on that basis. It has again involved a lot of trouble, but issues being very great and the Chairman not being familiar, one cannot take a risk of even that kind of thing going unrefuted. The map is not here, but will be brought and put before the Commission. I might at this stage put in a statement[1] which gives the names of the Sikh books of history to which I referred the other day and the names of their authors and by whom they have been published and the authority attached to them by the Sikh community.

SARDAR HARNAM SINGH : May I file the map of Lahore district which I promised to file showing the non-Muslim majority areas?

(The Commission then rose for lunch and re-assembled at 2.00 pm when Sir Muhammad Zafrullah Khan resumed arguments.)

SIR MUHAMMAD ZAFRULLAH KHAN : I have here the

[1] *Appendix XXII, infra.*

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lists[1] of important Muslim shrines in some of the districts of the Punjab which we have been able to compile. I hand over three sets.

Here are also three sets of lists[2] of villages on either side of the boundary line.

MR. JUSTICE DIN MUHAMMAD : Will you please explain what these statements are? You have given lists of the *Hadbasts* which border the strategic line of defence.

SIR MUHAMMAD ZAFRULLAH KHAN : *Hadbasts* are with reference to the tehsils. These villages lie immediately west of the boundary line. They are immediately inside the boundary line. The middle of this map is mostly Indian States but on either side of the British area there is a contiguous Muslim majority area on the same principle on which the contiguous majority areas have been traced on the red map.

MR. JUSTICE MUHAMMAD MUNIR : On *zail* basis?

SIR MUHAMMAD ZAFRULLAH KHAN : There is no basis. There are intervening areas among these areas which are taken by themselves as non-Muslim majority areas. The whole area on either side, the area that is shaded green, is Muslim majority area. We are not basing any claim on it. This map is merely to show that if on the principle on which the red map on the other side is followed, the majority on this side could be carried to Nuh and Ferozepore Jhirka which are Muslim majority tehsils. I shall presently hand over a table giving the population of this place.

I now come to closer examination of the red map. This map is the result of the examination of the red map. I am now dealing with the map showing territory going up to Harappa. It is the second map I am referring to. Those areas have been examined on the basis of villages and the resulting map is this one which I hand over. This is a map (examine the red portion in the Rachna Doab on the basis of *zails)* showing the majority Muslim *zails*. Take the Gurdaspur tehsil first. The greater part of the Gurdaspur tehsil is coloured red. We have a statement of Deputy Commissioner that out of a total of 18 *zails* in the tehsil as many as 15 are Muslim majority *zails* and only 3 are non-Muslim majority *zails*. If a map were to be prepared of the Gurdaspur tehsil on the basis of *zails*, you can easily visualise what colour or what predo-

[1] *Appendix XXIII, infra (only Sheikhupura district list is available.)*
[2] *Appendix XXIV, infra.*

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minant colour it would show. In any case it is impossible to believe that a greater part of the Gurdaspur tehsil is predominantly non-Muslim, as is shown here.

Now take the case of Batala tehsil. I put a question to my learned friend the other day asking if in the main red block shown in the map, representing Batala tehsil (alongside with the corner, which is coloured white and which represents Fatehgarh Churian area) the population of the two small white circles in the middle red block were included, what would be the colour? Would not the whole become white? His reply was that he could not say off hand, though the map itself gives indication that that would be the result, because if it could not be, then the white spots would have been coloured red. They have been coloured white because their inclusion for the purpose of population figures would render the whole white. But we have had the figures worked out of the red portion including those of these two white circles. They show a majority of Muslims by 53.81%, that is to say, excluding the Fatehgarh Churian Thana altogether from Batala tehsil. That, so far, is admittedly a Muslim majority area. But taking the rest as coloured red, if you include the 2 white circles, then the Muslim proportion would be 53.61%, Christians and others 5.35% so that roughly you have something over 59%, combined. I hand over this table[1].

Then you come to Amritsar District. It is everybody's case that Amritsar and Tarn Taran Tehsils should be included. At this stage I want to correct a statement in which I said there are only two tehsils in which Sikh population is in excess of the Muslim population. In fact they are three : Moga, Tarn Taran and Jagraon.

Gurdaspur and Batala are to be treated, even on the map drawn excluding this white area, as not being contiguous to non-Muslim areas. It is impossible to hold that on the distribution of *zails*, 16 to 3 or 15 to 3, Gurdaspur could have been a contiguous area. It is admitted that Amritsar and Tarn Taran have a majority of non-Muslims. Ajnala has a majority of Muslims. But the whole district with a certain number of villages having a small population of Muslims, which can be shown on the map, could be coloured red. Some principle seems to have been adopted. Smaller and smaller

[1] *Appendix XXV, infra.*

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areas are taken and they are shown as non-Muslim majority areas. I have said already that the basis is difficult to check. The figures are not always easily traceable. In any case we have not been supplied with any data upon which these maps are prepared.

Taking the overall population, I have given you the various permutations and combinations with regard to the tract as such. In consequence if you take by tehsils, even barring the three tehsils, the whole of the rest of the area is a Muslim majority area. If contiguity at the top is broken by Gurdaspur and Batala, there is no contiguity down below anywhere else. Both the sides show a contiguous white tract which, it is admitted, is a Muslim majority area.

Now I turn over to the other side of the river. Shakargarh Tehsil taken by itself is a Muslim majority tehsil; it remains to be determined what the majority is, whether it is only 1,600 or whether it is 7,600 and something but it is a Muslim majority tehsil. Narowal again is a Muslim majority tehsil with 55.31% Muslims[1]. Then comes Pasrur which is a Muslim majority tehsil with 66.2% Muslims. If as a result of the examination by the Commission it is revealed that the figures are as I have quoted, the whole of the top becomes a Muslim majority area and being contiguous to the tehsils of the Sialkot District, the whole of the tract becomes a Muslim majority tract.

Going further, there is a large white area taken out of Narowal, Daska, Pasrur and Shahdara which is enclosed within a comparatively narrow red wall. Here we see a discrepancy between the Congress map and the Sikh map which was attached to a little blue pamphlet submitted by Sardar Harnam Singh. This is entitled the *Hindu Sikh case for Nankana Sahib*. Now here you find a black shaded area in this map which obviously stops short some where in the Gujranwala district and does not claim that there is any further contiguity with any non-Muslim majority area. Again, I will draw your attention to what is included inside the black line which has been described as a bottle-neck which goes direct to the river Ravi. It was explained by Sardar Harnam Singh that the area within that narrow end is predominantly a Muslim area. The spear-shaped area, even if it were—in fact, it is not—a non-Muslim

[1] *The correct figure is 54.92%.*

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majority area and would lie like an island in the middle of the predominantly Muslim majority areas. It was said, "You give us the bottle-neck up to the river and as soon as you cross the river into Chunian you get into the non-Muslim majority area". But as a matter of fact one member of the Commission, I believe, it was Sardar Teja Singh, pointed out that some map or the other indicated that on the opposite side of the river also they would meet the Muslim majority area and that is correct if you look at this red map. If the Nankana Sahib bottle-neck is taken down to the river and if you cross the river you come into another white patch which is admittedly a Muslim majority area so that between Nankana Sahib and before you strike another alleged non-Muslim majority area, there must be at least 30 to 40 miles. If these two maps are studied together, it will become clear that what is claimed to be a non-Muslim majority area within the spear-shaped area—though it is not in any way a non-Muslim majority area—the contiguity of it is broken with the rest of the miscellaneous area above. The Congress map claims this part to be a non-Muslim majority area while on the other hand the Sikh map describes it as a Muslim majority area. I have already submitted two maps which deal with this area on the basis of villages and on the basis of *zails* and it does not appear to be a non-Muslim majority area.

We have carried out a very intensive examination of the Sheikhupura Tehsil where the Muslim majority is not very large. On this map the Commission will find that if this area is to be taken together, it must be treated as a Muslim majority area. The non-Muslim majority tehsils given there lose their contiguity and they are all enclosed and encircled by the Muslim majority areas. We have also had a map prepared of the Sheikhupura district village-wise—that has been done in a great hurry—by an expert European geographist /*sic*/. He could not be provided with the number of inhabitants of each village but with regard to the area for which figures could be supplied they are given but where the figures were not available, it is marked N (No data); the rest is marked red and green.

The details of the *zails* on the basis of which this black shaded area has been shown as a non-Muslim majority area are given in Appendix 'A' in the Sikh Memorandum. I have got some criticism of that Appendix also. Now, sir, in regard to this Appendix

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relating to Sheikhupura district, the 16 *zails* and the Nankana Sahib Estate, it is admitted that the Nankana Sahib Estate is a part of Khairpur *zail* which is a Muslim majority *zail*. Out of these 17 *zails* the following are Muslim majority *zails*: Karkan, Sangla Gurdaspuri, Sangla Sialkoti, Karial, Shahkot, Bhalike, Feroze Wattuan, Sheikhupura and Khairpur. That makes 9 Muslim majority *zails*.

SARDAR DARBARA SINGH : Sir, according to the figures subsequently supplied by the district officers[1] and according to the figures now with the Commission which are officially supplied, the observations made by my learned friend are wrong. Sangla Sialkoti and Karkan are both shown to be non-Muslim majority *zails*.

SIR MUHAMMMAD ZAFRULLAH KHAN : Assuming that Karkan is in doubt, though the actual figures of population could be checked in the office of the Boundary Commission here, there are 8 *zails* out of 17 included in Appendix 'A' of the Sikh Memorandum.

MR. JUSTICE DIN MUHAMMAD : They claim the two *zails* of Karkan and Sangla Sialkoti.

SIR MUHAMMAD ZAFRULLAH KHAN : Sir, then there must be another Commission to check up these figures. They put forward certain figures and now they turn round and say these are wrong!

SARDAR DARBARA SINGH : The previous figures were based on calculations while the figures now supplied by the official

[1] *Mention is made of 17* zails *in Appendix A to the Sikh Memorandum, of which one is Nankana Estate. This estate is admitted to be a part of a Muslim* zail, *while the classification with regard to the remaining 16* zails *given by the Deputy Commissioner, Sheikhupura in his Memorandum No. 3547 dated the 24th July 1947 is as under :*

Predominantly Muslim zails	*Predominantly non-Muslim zails*
1. Bhalike	*1. Jhabran*
2. Sangla Gurdaspuri	*2. Chuharkana*
3. Shahkot	*3. Mohlan*
4. Karial	*4. Mananwala*
5. Feroze	*5. Innuana*
6. Sheikhupura	*6. Dhaban Singh*
7. Nankana Estate	*7. Pacca Dalla*
	8. Kaloke
	9. Karkan
	10. Sangla Sialkoti

The Deputy Commissioner, however, added that he was in doubt about the authenticity of this information.

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source must be taken to be correct.

SIR MUHAMMAD ZAFRULLAH KHAN : I go on with the analysis which is based on the figures of population given in the village register upon which the other side has placed so much reliance in regard to Shakargarh.

SARDAR DARBARA SINGH : My learned friend has supplied us with a statement and has himself incorporated official figures. There are two parts, one containing the figures as shown in the official records and the other based upon the census of 1941. So there can be no dispute as the official figures are with him and they have reproduced them.

SIR MUHAMMAD ZAFRULLAH KHAN : The official figures are in the village registers which are in the Boundary Commission's office. Everybody has access to them.

MR. JUSTICE MEHR CHAND MAHAJAN : Are they different from the printed figures?

SIR MUHAMMAD ZAFRULLAH KHAN : Printed figures do not give villages. Village figures can only be obtained from village registers. But these figures are based upon the village registers available in the office of the Boundary Commission. They give 9 Muslim majority *zails* out of 17. How with 9 out of 17 you would still have the area as contiguous non-Muslim majority area, I fail to understand. Take the portion of the Lyallpur district included in this area. Five of the *zails* in tehsil Lyallpur out of ten mentioned in Appendix B[1], that is, Giddarwala, Dijkot, Khanuana, Uqbana and Lyallpur (excluding Lyallpur town) are Muslim majority *zails*. In Jaranwala tehsil, three of the *zails* included in the 9 in the Appendix, viz., Khurianwala, Jaranwala (excluding Jaranwala town) and Badwali, are Muslim majority *zails*. Then Toba Tek Singh *zail* (excluding Toba Tek Singh town) in Toba Tek Singh tehsil is a Muslim majority *zail*. In Gujranwala the result is still more curious. In Gujranwala tehsil the area included is three complete *zails*, Kadial, Nowshera and Majucha; a few villages from another *zail*, Thabal, and a few villages from another *zail*, Manguke. According to the Appendix itself the non-Muslims are in a majority only in one of the *zails*, namely Kadial. Now taking the figures for the whole of the *zails* mentioned above, four of these (that is, with the exception of Kadial) are Muslim majority *zails*.

[1] *Vol. I, p. 378.*

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By what exercise of magic the whole area is shown to be a non-Muslim majority area, I am unable to understand.

MR. JUSTICE TEJA SINGH : Have you calculated the total population of this tract?

SIR MUHAMMAD ZAFRULLAH KHAN : No. I have not . It is possible I do not know, I have not checked it; but it is possible that if you take the tract within the block, leaving out the bottle-neck, it might have a majority of non-Muslims. I do not admit that it is so, but it is just possible that it may be so. But the area is scattered. It is not contiguous. We have not been given any figures which we can approve or disapprove.

MR. JUSTICE DIN MUHAMMAD : They promised to give them.

MR. JUSTICE MEHR CHAND MAHAJAN : Populations have been given in the Appendix.

SIR MUHAMMAD ZAFRULLAH KHAN : It shows that it is not contiguous in any case. I have drawn a map and will give it to you.

MR.JUSTICE MEHR CHAND MAHAJAN : Where is Khairpur *zail* indicated in your plan No. 19?

SIR MUHAMMAD ZAFRULLAH KHAN :A greater part of it is outside this *zail.*

MR.JUSTICE MEHR CHAND MAHAJAN : You have shown only non-Muslim *zails.*

MR. JUSTICE TEJA SINGH : I do not find the name of that *zail.*

SIR MUHAMMAD ZAFRULLAH KHAN : The names only of non-Muslim *zails* are shown.

MR. JUSTICE MEHR CHAND MAHAJAN : Unless the map shows the *zails* of Muslims as well as non-Muslims, how can we come to any conclusion?

SIR MUHAMMAD ZAFRULLAH KHAN : The non-Muslim *zails* are shown. The rest is all green and if you want to know where Khairpur is, it is just outside Nankana Sahib.

MR. JUSTICE MEHR CHAND MAHAJAN : If both sides had been shown on the map it would have given us a correct picture.

MR.JUSTICE DIN MUHAMMAD : May I draw your attention, Sir Muhammad Zafrullah, to the objection that was raised. The Deputy Commissioner was supplied with a typed list. On the basis of that typed list he has shown these *zails* as non-Muslim *zails.* He, however, says[1] :

[1] *Vide Deputy Commissioner, Sheikhupura's letter No. 3547, dated the 24th July, 1947.*

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I am, however, to point out that the basis of the above statement and the attached map is a typed list, about the authenticity of which I am in doubt. It is, therefore, requested that the census (1941) tables sent to the Secretary to His Excellency the Governor...may be referred to check up the genesis of each *zail* and the map may kindly be corrected accordingly.

SIR MUHAMMAD ZAFRULLAH KHAN : The Commission is free to attach such weight as they like.

SARDAR DARBARA SINGH : I am submitting five copies of the list of villages in each of the *zails* mentioned in Appendices A, B and C[1]. I have given the names of the villages in each *zail*.

SIR MUHAMMAD ZAFRULLAH KHAN : We are prepared to nominate...

MR. JUSTICE DIN MUHAMMAD: The registers are lying here and let us have these figures checked.

SARDAR DARBARA SINGH: As far as Lyallpur district is concerned...

SIR MUHAMMAD ZAFRULLAH KHAN: We are discussing Karkan and Sangla *zails*. The figures can be checked tomorrow.

MR. JUSTICE DIN MUHAMMAD: Will the same two persons do?

SIR MUHAMMAD ZAFRULLAH KHAN: We will let the Commission have the names tomorrow. We will find out which two will be available.

SARDAR DARBARA SINGH: I will also give names of our two nominees.

BAKHSHI SIR TEK CHAND: Yes, Karkan and Sangla Sialkoti.

SIR MUHAMMAD ZAFRULLAH KHAN: Subject to handing over statements, I will now endeavour to sum up my case. Some authorities were quoted by my learned friend on the other side, Mr. Setalvad, with regard to considerations that ought to be kept in view in determining boundaries between different countries. My submission is that those statements are not of any particular help. The Commission has here specific documents which give an interesting study of the claim and counter-claim which has necessitated the division of India and the partition of certain provinces. It has very precise and definite terms of reference. Unless it could be shown that in very similar circumstances and in giving effect to

[1] *Appendix XXVI, infra.*

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identical terms of reference a certain Commission adopted a certain principle and that Commission is shown to be of such high an authority that some deference ought to be attached to their views, text books may not be of much help in this connection.

Take for instance, the reference made to what was done in the case of Orissa which is, as Mr. Setalvad said, at least in point of distance, the nearest case from Bengal and also, so far as Boundary Commissions are concerned the nearest case from the Punjab. These were the terms of reference of the Orissa Committee: If a separate province of Orissa is to be created

(1) What should be the boundaries of such a province?

The Committee are not given terms of reference in the sense "mark the boundaries of the Orissa province on this basis". They are asked to suggest taking into consideration the circumstances of Orissa what should be the boundaries of such a province :

(2) What would be the administrative and other consequences in such a province?
(3) What would be the administrative, financial and other consequences in the adjoining territories of British India?

That was a very general commission with which the Committee was entrusted. They had to create or make a report with regard to the creation of a new province and they were asked to take into consideration everything. Then to say that they took into consideration certain matters and that therefore in consequence it would be legitimate for this Commission to take similar matters into account does not at all follow. Their function was very different from the function which this Commission has been entrusted with. I will draw the attention of this Commission to just two extracts. The first is an extract from *Claims to Territory in International Law and Relations* by Norman Hill, page 31. It says:

> Basically, disputes over territory are human problems. Boundaries derive their significance primarily from the fact that they divide people, not because they divide land. It follows that the possession of land by a state may be regarded as good or bad according as it ministers well or ill to the persons concerned, those residing on the land and persons living elsewhere. When

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possession results in grievances to people anywhere, a dispute is almost sure to ensue, and people measure their grievances by prevailing standards, which today are derived chiefly from the desire for national security, national unity, and economic prosperity. When one examines the circumstances under which dispositions of territory have been made, it becomes clear that this human element, the cultural landscape, has too often been neglected. When this has been true, disputes have inevitably appeared.

The other is an extract from the *Encyclopaedia of Social Sciences*, Vol. II, page 651, column I and is as follows:

After the world war the victorious powers at Paris attempted as far as their own interests allowed, to reconstitute the boundaries of Europe in such a way as to satisfy all four of the drives above-mentioned. Historic and ethnic considerations were supposed to be the basis of their decisions as embodied in the treaties of the Paris settlement. Nevertheless, certain Allies claimed the right to press forward to their natural geographic boundaries irrespective of alien elements they would incorporate; this was notably true of France and Italy with respect to the Rhine and the Brenner Pass. The smaller countries which were enlarged and the resurrected states all demanded and for the most part received the extreme limit of the new boundaries for which they asked except in cases of mutually conflicting demands. The geographic and ethnic concepts of boundaries were applied to border region people not more unfavourably than they had been before. But the economic concept was on the whole disregarded.

That is a summing up of what happened with regard to settlement of European boundaries after the First World War. Whatever other considerations and motives influenced the peace makers in Paris, economic considerations did not play any very large part.

At the risk of my argument being described as nothing but a series of repetitions, I would refer again to the terms of reference. The terms of reference are that "The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining contiguous majority areas of Muslims and non-Muslims. In doing so"—that is to say, in demar-

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cating the boundaries on the basis of ascertaining contiguous majority areas of each community— "the Commission will also take into account other factors". I repeat that the basis is the ascertainment of majority areas; the other factors are subsidiary.

The only interpretation with regard to 'other factors' which had sought to be relied upon by the other side, was the observation made by Mr. Henderson in the House of Commons during the debate on the Indian Independence Bill, but I trust that by this time the authority of that observation has been completely destroyed. In any case, what I would beg the Commission to remember in that connection is this that the parties had agreed to the terms of reference subject to the interpretation furnished by the language of paragraph 9[1] which is followed by the terms of reference by the Viceroy in his broadcast and in his press conference. From that the Commission cannot depart. The parties having agreed to the terms of reference on that basis, nobody else, possessing whatever authority in other spheres, holding however exalted an office, has any business today to say what the terms of reference should mean. The only authority to say anything with regard to the terms of reference is the Commission. The Viceroy said clearly in his press conference that the landed property and much less therefore any other kind of property or interest, could not be made the basis of boundaries to be demarcated by the Commission. Therefore we come back to this that the only factor that may be taken into account must be of a local character.

On the population aspect, I have briefly to sum up my case as follows: Muslims have a majority of 57.1% in the whole province. They have a majority in 3 Commissioners' divisions out of 5— Rawalpindi, Multan and Lahore. If you go to the divisions of Ambala and Jullundur, non-Muslims have a majority. But another division was suggested by the other side in the course of their arguments. They said that the natural division of the province is by doabas and that the rivers form natural division or lines of division inside the province. On that basis the Muslims have a majority in the Sind-Sagar Doab, in the Chaj Doab, in the Rachna Doab—Muslims are 64.99% without counting the Christians—in the Bari Doab Muslims are 62.02%. That division is more or less

[1] *Vol. I, p. 6.*

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the same as the Commissioners' division. There may be a small difference.

In the population figures which I have given with regard to the whole of the Bari Doab, a criticism was offered from the other side that the population of the Kangra district had not been included. We have not included it because in the argument on both sides Kangra has been treated as a part by itself. Even when Sardar Harnam Singh was discussing linguistic divisions he said, 'we shall exclude Ambala division barring Kharar and Rupar tehsils and we shall exclude Kangra district but include Kangra district in the population figures of Bari Doab and nevertheless the Muslims in the population of the whole doaba, including Kangra, which has an overwhelming non-Muslim majority, are in a majority[1].

MR. JUSTICE DIN MUHAMMAD: Will you please briefly describe these doabas?

SIR MUHAMMAD ZAFRULLAH KHAN: I will do it in a moment. This leaves out towards the west, Isakhel tehsil and Mianwali district and the whole of the Dera Ghazi Khan district, both beyond Indus. There can be no dispute with regard to them as they are almost entirely Muslim areas. Beyond the Sutlej towards the east are the portions of the Jullundur division and the whole of the Ambala division. These are non-Muslim majority areas, if the overall majority is taken.

Doaba means a tract of land between two rivers. In Persian "Do" means "two" and "Ab" means "water". Sind Sagar Doab is the area between Indus and Jhelum. Chaj is the area between the Chenab and the Jhelum. Rachna is the area between the Ravi and the Chenab. Bari is the tract between the Beas and the Ravi. Bist Jullundur is the tract between the Beas and the Sutlej.

Coming to districts, the Muslims have a majority in each of the 17 out of 29 districts which are in the West Punjab notional division. As regards the tehsils, the Muslims have a majority in all the tehsils of the 17 districts of the notional West Punjab except Pathankot. In addition they are in a majority in the tehsils of Ajnala, Ferozepore, Zira, Nakodar and Jullundur. They are also in a majority in the two tehsils of Gurgaon, i.e., Nuh and Ferozepore-Jhirka. In the Dasuya tehsil of the Hoshiarpur district, they are

[1] *p. 143, supra.*

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not in a majority by themselves but are in a majority if taken together with the Christians. If, however, that portion of the Dasuya tehsil, which is on the west of the Shivaliks, is included in the strategic map submitted on behalf of the Muslim League, then it becomes a Muslim majority area.

We also claim compact large size Muslim majority areas in Fazilka and Muktsar tehsils, in Hoshiarpur tehsil, in Jagraon, Ludhiana, Samrala, Rupar, Una, Moga, Garh Shankar, Nawan Shahr and Phillaur tehsils, which are contiguous to Muslim majority tehsils. In these areas Muslims predominate not only in population but also in ownership of land and payment of land revenue. The area is inhabited by renowned Muslim tribes such as Rajputs, Pathans, Dogras, Arains, Bodlas, Jats, Gujjars and Wattus who have lived there since time immemorial and cast into one homogeneous whole. Also this tract contains predominantly Muslim towns[1] which are also the centres of Muslim culture, learning, industry and trade; like Ludhiana 70% Muslim, Jullundur 60% Muslim, Nakodar 60% Muslim; Rahon, Dasuya, Tanda, Miani, Phillaur, etc.

That is in regard to the population of the notional division of the province. This is a rough and ready division, it being left to the Boundary Commission to carry out the demarcation of the boundaries in detail. It is well known that the north-west of the province has a Muslim majority while the south-east of the province has a non-Muslim majority. The Muslim majority tide works down the south-east and then, as it were, fizzles out to a minority. The non-Muslim majority in the south-east when it encounters certain areas towards the west begins to be a minority. In other words there is one tide working from the south-east towards the west and another tide working from the west towards the south-east. Now it will be just as well to see according to the notional division which of the two tides had penetrated farther and in a greater volume into the other territory. On the basis of the notional division, in notional East Punjab,there is a Muslim percentage of 33.4% and in the notional West Punjab there is a non-Muslim percentage of 26.8%. This shows that the Muslim tide has penetrated more strongly into the east than the non-Muslim tide into

[1] *Correct figures to: Ludhiana 62.8% Muslims, Jullundur 59.3% Muslims and Nakodar 56.6% Muslims.*

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the west. In other words the notional division is more favourable to the non-Muslims than to the Muslims and if any modifications or corrections are to follow they should be in accordance with this feature. This is also shown by the fact that whichever standard or unit is adopted, the Muslim claim extends more into the east than the non-Muslims claim into the west.

Here is a reference that has been handed over to me. It is from *Boundary Making* by Stephen Jones. On page 59, he says:

> Complete definition, with deviation permitted, is a common practice in modern delimitations. The line is defined as exactly as is feasible from the data at hand, and a clause is added giving power to the demarcators to make or to recommend adjustments.

Sir, that being the position on the other side, a great deal of stress has been laid down upon economic factors, out of which the most heavily emphasized factor is the canal colonies. I have already dealt, both in principle and in detail, with the arguments addressed to the Commission on that basis but I will at this stage draw attention to this. A claim has been made that the East will be in need of what might be described as 'living room'. It will want irrigated areas and therefore the whole or the greater part or at least a substantial portion of canal colonies must go to the East. I shall come to the figures and examine to what that claim would lead in actual consequence, but for the benefit, more of the Chairman than of the members of the Commission—because the members can say that they have no jurisdiction over that factor, I must mention that Pakistan would be in sore need of coal and iron-ores. Fortunately West Bengal has plenty of both and it will not be denied that they are national assets but if the Chairman is allotting the whole of the Bengal coal fields and whole of the iron-ore deposits to the East Bengal—because that would still leave India with plenty of these in other parts—well then perhaps he may favourably entertain the claim with regard to the substantial share in the canal colony areas on behalf of the East Punjab. Then, all the protected industries in India have been built up by the joint sacrifices of the consumers—either the consumer has paid direct subsidy for the protection of these industries or he has paid higher prices for the articles produced in

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order to help towards the building up of these industries—and Pakistan would be sadly deficient in respect of some of them. Iron and steel is again an instance, the textile industry is still another. If any adjustment of territories between Pakistan and India is being made on that basis, then perhaps there may be some validity for the claim made before this Commission on the basis of the canal colonies.

Finally, there was the strategic consideration that was stressed. I do not mean to say that it was stressed in the end but it is the final item in my arguments. Again, I make my submission on that basis and I confess that that aspect had been left out of account by us on this side when drawing up our memorandum. We are grateful to the other side that they warned us of the very grave danger, in which we stood, if that factor were excluded and also of the very grave danger, in which they were, if that factor were excluded. A strategically weak Western Pakistan means an India open to invasion from the North-West. We have suggested one strategic boundary, they have suggested another. The Commission will be able to make comparison and to make recommendation, as to which out of the two, if the other factors are not balanced, should be adopted. But the other factors were not balanced. The main basic factor with regard to this strategic boundary line is that the Muslims are in majority in this area in population. I gave you the figures when I was addressing you on this matter.

Now I will draw your attention to certain of the consequences that would follow from the adoption of the line suggested by the other side. In the East Punjab, according to the Sikh claim—and this is in substance also the Congress claim, though the Congress on the map have not shown any portion of Multan district as claimed by them, yet in the memorandum they claim portions of Multan district—the position would be this that out of a total population of 2,06,11,032, which would be the population of this tract, 95,81,923 would be Muslims. The percentage would be 46.49 and including Christians who are 2.51% the total would be 49%.

Now in order to save the Sikh community from the consequences of their own demand as explained by the Viceroy, the remedy suggested on their behalf is that over 95 lakh Muslims and over 5 lakh Christians, who do not desire to be included in East Punjab,

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should be included in the East Punjab. That is to say, that in order to safeguard itself against dividing up a community of 37½ lakh, the Commission is invited to do something which would divide up a community of 162 lakh into two parts being nearly, 96 lakh on one side and the remaining 66 lakh in the West Punjab, which will be their dominion. That is to be the result of the case sought to be made out and the arguments addressed on the other side.

MR. JUSTICE DIN MUHAMMAD: What will be the Sikh position?

SIR MUHAMMAD ZAFRULLAH KHAN: Their number will be 34,88,019. Their percentage in total population will be 16.92 and the percentage of Hindus in the total population will be 26.53.

MR. JUSTICE DIN MUHAMMAD: What is their position at present under the notional division, because much stress was laid on the fact that this is all to strengthen the position of the Sikhs?

SIR MUHAMMAD ZAFRULLAH KHAN: Under the notional division, their percentage in the East Punjab would be 17.95 as against 16.92 according to their own claim.

Now in the West Punjab which will thus be very kindly and generously left by them to us, the total population will be 78,07,787 out of a total of the whole of the Punjab of 2,84,18,819. Out of this total population of the West Punjab so generously formed, the Muslims will be 66,35,319. The others will be very small perhaps, but that will be the result.

Now my learned friend Sardar Harnam Singh was insistent that the division will inevitably lead to the movement of population. That is a thesis that we on this side refuse either to accept or to contemplate. But on his showing I invite the Commission to examine how many Muslims will have to move out of the East Punjab, for whom room is to be found in the West Punjab and how many non-Muslims, will have to move out of the West Punjab, for whom room must be found in the East Punjab. 95,81,923 Muslims must move out of the East Punjab in the conditions in which it will be, according to Sardar Harnam Singh, and must be given shelter in what will be left of the West Punjab.

MR. JUSTICE DIN MUHAMMAD: 17 lakhs more than the total population of West Punjab?

SIR MUHAMMAD ZAFRULLAH KHAN: Yes, that is what I was going to say, 17,74,000 more, and 58 lakhs more than the

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whole of the Sikh population in the Punjab. On the other hand, East Punjab as situated according to their claim must find room for 2,69,382 Sikhs and 8,33,811 Hindus, that is to say, just over 11 lakhs of non-Muslims. I presume the Christians would not wish to move. I presume the Scheduled Castes would not wish to move.
MR. JUSTICE MEHR CHAND MAHAJAN: You never know.
SIR MUHAMMAD ZAFRULLAH KHAN: If they do wish, they would probably move to the West Punjab. There has not been any grievance on behalf of the Scheduled Castes of oppression by Muslims. I do not say to what extent their grievances against Caste Hindus are justified, that is more or less a domestic question between them and the Caste Hindus, but from what generally happens, one would think that it is likely to happen the other way about, so that this involves, on their own showing, that 96 lakhs of Muslims must find room in the West Punjab, the very small West Punjab that will be left and only 11 lakhs of non-Muslims will have to find room in the vast, developed, rich in resources as then situated, East Punjab.

It goes further. On that theory of the compulsory movements of populations, the Muslims will have to find room in East Bengal and Western Pakistan for all the millions of Muslims which will have been left in India and the whole of India will have to find room for a few lakhs of non-Muslims that will have been left in East Bengal and West Punjab. That gives you a picture of what would follow as a result of the adoption of the claim put in by the other side.

Finally my claim is this, that on strategic considerations, which have been stressed so emphatically by the non-Muslim side, the only possible and fair boundary is the boundary claimed in our memorandum, along the Bikaner Canal, the Ferozepore-Ludhiana railway-line, Sirhind Canal and the crest of the Shivaliks. But we have also a majority of population in that area and even in the disputed portion of that area, that is to say, the portion that is common to the two strategic boundaries, we are in a majority.

On the basis of tehsils, we claim the following tehsils: Ajnala, Ferozepore, Zira, Jullundur, Nakodar, Ferozepore Jhirka and Nuh in which we have a majority. We must reconcile ourselves to the loss of the last two as they lack contiguity with the rest of the majority areas of Muslims. Well then, we must be given at least the

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first five. On the same basis Tarn Taran and Amritsar tehsils will then lack contiguity with the East Punjab, and non-Muslims must reconcile themselves to these going westward.

We claim Dasuya on the Muslims-cum-Christian basis but if this would not be accepted in any case, then Dasuya west of the Shivaliks, that is to say, as much of it included in our strategic claim, is in any case Muslim majority area. I might here mention that in the majority area outside Dasuya which is shown green in our original map put in along with our memorandum, the Muslims not only have a majority in the population, they are also in a majority among the landowners, and own a majority of the area and pay a major portion of the land revenue demand. Tables are being prepared on that basis and will be put in tomorrow. We also claim Dasuya and Hoshiarpur which are within our strategic map on the basis that we are in a majority in these two tehsils as against Hindus and Sikhs combined. If there is an area smaller than a tehsil, in what we have claimed, in which the same state of affairs can be pointed out by the other side, that is to say, the Hindus and Sikhs combined are in a majority against the Muslims, they are welcome to make a similar claim. That is the basis of the claim that I make.

We also claim parts of Hoshiarpur, Fazilka, Muktsar, Jagraon, Moga, Samrala, Ludhiana, Rupar, Una, Garh Shankar, Nawanshahr, and Phillaur, as shown in our Map No. 5. All these areas are substantial areas and have an overwhelming majority in population and form Muslim majority tehsils. All the Muslim majority tehsils—Ferozepore, Zira, Nakodar, Jullundur—and the parts of tehsils claimed, form one contiguous and compact large-size Muslim majority area which is contiguous to other Muslim majority areas of Gurdaspur, Lahore and Montgomery. These areas include the valley of the Sutlej which is in dispute and the very existence of Western Punjab and Bahawalpur depends on it and the West Punjab must therefore have the whole of this area if it is to survive.

As I said in the opening remarks, the Commission are faced with a very difficult and complicated task. In one respect the task is also a sorrowful one for them as well as for us on both sides.

I am reminded that I forgot to mention one fact that in our

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claim we have included a portion of the Pathankot tehsil which would go to West Punjab, the Upper Bari Doab Canal Headworks and the Malikpur Field Hydraulic Laboratory and the stretch of the canal within Pathankot tehsil.

As I was saying, the Commission are faced with a very complicated and responsible task. The main submissions on both sides have been made. The hearing will be concluded tomorrow. I have no doubt that they have felt the weight of their responsibility. But after tomorrow afternoon the entire responsibility will be transferred on to their shoulders. We on this side will all pray and continue to pray that in the recommendations that they have to make, that in the discussions which they will have with the Chairman, they may be right and just and guided by the Divine Will. We shall also continue to pray that the result of their labour shall be such that it shall prove a source of blessing, of peace and prosperity, for all the peoples that at present inhabit this province, that inhabit this country and that shall in future be the inhabitants of this province and this country and that nothing shall be done as a result of the labour of this Commission which shall leave behind a legacy of distress and suffering or disorder or ill-will or hatred between different classes of the people who live in this province and in this country.

It only remains for me to thank the members of the Commission for the very patient hearing that they have given me and to thank my friends on the other side for the same courtesy and also to say that if in the heat of argument or in the thrust and parry of discussion anything should have escaped me, anything that should not have been said, or any implication that should not have been allowed to go and which may have caused offence or has offended the susceptibilities of anyone, I sincerely apologise for any such slip that may have occurred. I also wish to say that nothing that has been said from this side has been said with either malice or out of ill-will. Several matters of painful nature to both sides have had to be discussed but I have made an effort to discuss them without passion or ill-will. May I conclude by saying how great a privilege it always has been to listen to Mr. Setalvad whenever it has been my good fortune to listen to him. As on all previous occasions, on this occasion also it was a great intellectual pleasure and privilege to hear his address and so also the submission made by the

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other counsel on the other side. It was also a very great pleasure and a great honour to find myself once again on the opposite side of the table from my learned and revered friend Bakhshi Sir Tek Chand.

(The Commission then adjourned to meet again at 10.00 am. on Thursday, the 31 July 1947.)

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X

31 JULY 1947

(The Commission resumed its hearings in the High Court buildings at Lahore, on Thursday 31 July 1947 at 10.00 am.)

REPLY FROM THE SIKHS

MR. SETALVAD: Sardar Harnam Singh and Mr. Soni will give brief replies and then I will deal with the matter.

SARDAR HARNAM SINGH: The first point that I am going to touch is the point regarding the integrity and solidarity of the Sikh community.

SIR MUHAMMAD ZAFRULLAH KHAN: Before my learned friend starts, may I enquire whether any report has come in from the Commission which was appointed yesterday with regard to the examination of figures?

MR. JUSTICE DIN MUHAMMAD: We have not received any report so far. Are your nominees here?

SARDAR HARNAM SINGH: They have not yet completed the work. They are still doing the work.

SIR MUHAMMAD ZAFRULLAH KHAN: I understand that the enumeration was concluded yesterday.

MR. JUSTICE MEHR CHAND MAHAJAN: Is there some fight then?

SIR MUHAMMAD ZAFRULLAH KHAN: Perhaps an enquiry might be made by the Commission through its office at what stage the work is.

SARDAR HARNAM SINGH: The contention of the Muslim League is that paragraph 9 of the Viceroy's Plan[1] rules out the

[1] *Vol. I, p. 6.*

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question of the integrity and solidarity of the Sikh community. This contention of the Muslim League proceeds upon two matters. In the first instance it is contended that on the fourth day of June 1947 at the press conference when Lord Mountbatten was put a specific question, then the reply of Lord Mountbatten was that the Sikhs have insisted upon the division of the Punjab and that he was not a miracle worker and that he was not a magician, implying that under the Mountbatten Plan the Sikhs have to be divided and he could not help it. This is one contention.

The other contention was that the Viceroy when he was put another question said, "I sent for the map and studied the distribution of the Sikh population under the proposal. I must say that I was stunned..." meaning again that the map and the percentage figures would not help the Sikh community.

Thirdly, the contention of the Muslim League is, 'read all these documents together, the broad and easily understood principle was the principle of communal majorities or communal minorities. It was that principle which was proposed and it was that principle which was accepted and there is no going back upon that principle'. I submit that these contentions of the Muslims League ought not to prevail upon this Commission.

In the first place, all that can be stated is that the Viceroy had made some summary investigation into these matters, into the boundary question, and as a result of that summary investigation, he came to some tentative conclusions. In paragraph 9 it is specifically and expressly laid down that the Boundary Commission has to make a detailed investigation of the boundary question and that the Boundary Commission has to come to its own decisions. Is it contended that if the Boundary Commission, as a result of the detailed investigation which has been made during the last two weeks, comes to the conclusion that in the colony areas or in those districts which at present under the notional division fall to the West, there is a contiguous non-Muslim majority area, then that contiguous non-Muslim majority area is not to fall to the East Punjab merely because during the summary investigation, the

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Viceroy of India was not able to discover it? How many of us are here who knew before this enquiry started that in the Lyallpur district there is the central tract which is a non-Muslim majority tract? Most of us knew the percentage figures of the Hindu community, the Sikh community and other communities in the Lyallpur district but very few of us knew that there were the Hindus and Sikhs concentrated in separate blocks in the Lyallpur district or that they were concentrated in separate blocks in the Lahore district. Therefore to say that because the Viceroy of India was not able to discover it in the summary investigation, therefore now that you have discovered it you please deny this area to the East Punjab, has got no meaning.

Another reason why the Viceroy was astonished, why he was stunned and what astounded him, was that he was under the impression that under the Mountbatten Plan the solidarity of the Sikh community would be kept intact but somebody placed before him a map of the Punjab and the percentage figures. He thought that the original plan had miscarried. In this plan no help can be rendered to them because at that stage he did not know that there were compact contiguous majority areas in which the Muslims and non-Muslims are concentrated in the colony areas, as also in Lahore and other districts.

Therefore that lends support to my argument that originally the intention was that we are going to divide the Punjab and in this divided Punjab the bulk of the Sikh population would be placed in the Eastern Punjab. That was the original intention. Therefore I say that neither the first reply nor the second reply of His Excellency the Viceroy goes in favour of the claim made by the Muslim League but it supports my contention that the original plan was to place the bulk of the Sikh population in the Eastern Punjab. He could not follow the plan and therefore he was astounded. Now that you have discovered large tracts of non-Muslim areas in these various parts of the Punjab, the quesion is whether these non-Muslim parts of those districts are going to be denied to us or are going to be given to us.

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SIR MUHAMMAD ZAFRULLAH KHAN : Yesterday the Commission had suggested that two persons on this side may be appointed to investigate the question of those two *zails* that were in dispute yesterday[1]. From our side we suggest Mr. Habib-ur-Rehman and Mr. Muhammad Shafi. They can start the work today.

SARDAR DARBARA SINGH : I have a further request to make in this connection and that is that along with these two *zails*, the question of three more *zails* should be investigated; because the figures given by the Muslim League are astounding. There is a difference of 7,000 between the official figures and the Muslim League figures. Again, in another case the difference is of 5,000 and the total in the census of 1941 does not tally with the total made out by the League. They are Mohlan, Karkan, Dhabansingh, Sangla Gurdaspuri, Sangla Sialkoti and Bhalike. Our nominees are Mr. M. L. Rai Advocate and Sardar Rachhpal Singh.

SIR MUHAMMAD ZAFRULLAH KHAN : He is speaking from memory. They can be ascertained from the Appendix attached to the Sikh Memorandum. Sangla Gurdaspuri is itself shown in their memorandum as a Muslim majority *zail*. The question is not what is the total majority but the question is which is the Muslim majority *zail* and which is the non-Muslim majority *zail*.

SARDAR DARBARA SINGH : These *zails* should be investigated in view of the total.

SARDAR HARNAM SINGH : The third argument was that there was that broad and easily understood principle of Muslim and non-Muslim majorities and that that principle was understood by the League and that it was proposed by one side and accepted by

[1] *A Commission of four persons viz. Messrs Habib-ur-Rehman and Muhammad Shafi from the Muslim League side and Messrs Mohan Lal Rai and Rachhpal Singh representing the other side, was appointed to look into the figures of certain* zails *of the Sheikhupura District. Messrs Habib-ur-Rehman and Muhammad Shafi submitted two statements (not signed by the non-Muslim members) showing population figures in respect of* zails *Karkan and Sangla Sialkoti to the Punjab Boundary Commission on 31 July 1947. The non-Muslim members in a telegraphic message requested the Commission on 2 August 1947 that the statements should not be read as evidence.*
See details in Appendix XXVII. Also see p. 529, infra.

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the other side. He referred in this connection to the resolution of the Congress Working Committee which says that "... the predominantly Muslim part may be separated from the predominantly non-Muslim part"[1]. He reads into that resolution in the first place that that resolution meant that bare Muslim majority areas are to be separated. That principle was never proposed and there was no question of its acceptance.

Let us see now whether that was the principle to which the League gave consent. Take for instance, the terms of reference of the Punjab Boundary Commission. They are identically the same as the terms of reference of the Bengal Boundary Commission. The Muslim League is a party to these proceedings and the Muslim League is a party to the proceedings before the Bengal Boundary Commission. Before the Bengal Boundary Commission the Muslim League has taken up the position that Darjeeling and Jalpaiguri districts must form part of the East Bengal, although in the district of Darjeeling, the Muslim population is 2.43% and in the Jalpaiguri District the Muslim population is 23.08%, on the ground that the river system in the Western Bengal is a very complicated system and there is the T. T. Scheme which is in progress. That scheme may be compared with the Mandi Hydro-electric Scheme in the Punjab. Their case before the Commission is that because the Western Bengal is industrialised, therefore in the interest of economic self-sufficiency of the Eastern Bengal, these two districts in which the Muslim population is only 2.43% and 23.08% (i.e., predominantly Hindu majority districts) must form part of the Eastern Bengal. This is a broad and easily understood principle which was proposed on the one side and which was accepted on the other side and this is that broad and easily understood principle which is put before this Commission and I am glad that before both the Boundary Commissions the Muslim League is a party to these proceedings.

MR. JUSTICE DIN MUHAMMAD : What was the reply given by the non-Muslims there?

SARDAR HARNAM SINGH : I will place the reply of the non-Muslims there before the Commission.

That is one aspect of the matter. The other aspect of the Muslim League case before the Bengal Boundary Commission is

[1] *Vol. I, p. 220.*

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that there are two double tests of contiguity and majority laid down in paragraph 9 of the Mountbatten Plan. These two tests are to be satisfied. The Muslim League says that it may be that one test is satisfied and the other is not; there is contiguity but no majority; there is majority but no contiguity. Then they said if such a contingency arises, then in that contingency other factors come into operation and the Commission has to decide whether contiguity is to prevail or majority is to prevail.

MR. JUSTICE DIN MUHAMMAD : Is this the contention in the East Bengal or is it the contention here?

SARDAR HARNAM SINGH : This is the Muslim League contention in the East Bengal that on the 'broad and easily understood' principle the non-Muslim majority district in which the non-Muslims are about 98% should form part of Pakistan on the grounds that Eastern Bengal was not industrialised and in the interest of industrial development of the East Bengal, it was necessary. As regards the other factors, they say that the two conditions of contiguity and majority of population need not co-exist. In other words, if one condition is present, it is for the Commission to see whether the majority principle is to prevail or the contiguity principle.

Whether the Darjeeling or Jalpaiguri Districts are going to the East or the West Bengal, I am not concerned. I am merely drawing your attention to the way in which the Muslim League has interpreted the Mountbatten Plan that this broad and easily understood principle must be given effect to by the Boundary Commission. Therefore I submit that their argument that the question of Sikh solidarity and Sikh integrity should be ruled out does not hold good.

The other point is about the area that you are going to take into consideration. In this connection, I would like to draw your attention to the phrase that the Viceroy himself used. He said that both the parties were anxious not to leave a large Muslim area in the non-Muslim part and vice versa. 'Large area' was the phrase used by him. There is a history behind it. Originally the idea was to demarcate the area down to *girdawari* circle, but it was dropped during negotiations.

MR. JUSTICE MUHAMMAD MUNIR : How do you know that?

SARDAR HARNAM SINGH : There are so many confidential

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documents which have been placed before the President of the Boundary Commission and the President will place them before the Boundary Commission. My information on this point is that it was the Muslim League who proposed that the demarcation must go down to *girdawari* circles.

The Commission will also take into account other factors, this second set of instructions was not there in the first place. It was introduced to accommodate the Sikhs' viewpoint and on that point the Commission is free to make enquiries regarding the speech of Mr. Henderson, a cutting of which has been supplied to the Commission. I have got a copy of *HANSARD'S DEBATES* and on page 74, Mr. Henderson is reported to have said :

> The provision that other factors will be taken into account has been made primarily to enable the commission to have regard to the special circumstances of the Sikh community in the Punjab. Their case is such that the location of their religious shrines can reasonably be taken into account up to a point[1].

I have referred to this passage for a double purpose. In the first instance I submit that this passage lends support to my argument that this second set of instructions regarding 'other factors' in the Mountbatten Plan was inserted to accommodate the Sikh viewpoint. This is not a matter of opinion nor is it a question of the interpretation that Mr. Henderson is placing upon this document. The fact is that this clause was introduced in the plan to help the Sikh community in respect of their shrines. The second point is that the Sikh community has a special position in the Punjab. They have a special geographical position; they have special interests that may be taken into account by the Boundary Commission. There is therefore no substance in the argument from the other side that the question of the special circumstances of the

[1] *The correct version, as reported in HANSARD'S PARLIAMENTARY DEBATES, is given below:*

> *The provision that other factors will be taken into account has been made primarily to enable the commission to have regard to the special circumstances of the Sikh community in the Punjab, where considerations such as the location of their religious shrines can reasonably be taken into account up to a point. I would, however, emphasise to the Committee that it is for the commission itself to decide what are other factors and how much importance should be attached to all or any of them.*

PARLIAMENTARY DEBATES (HANSARD), Vol. 440, No. 141, Monday, 14th July, 1947, p. 74. (10R/R/3/1/154)

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Sikhs should be ruled out.

The next point to which I would like to refer is that of area. There have been considerable arguments before the Commission on this word. The words used in the Mountbatten Plan are 'large area'. The Muslim League contended that demarcation should be based on *girdawari* circles but it was ruled out during negotiations. Therefore what is going to be the unit for the purpose of a decision to be arrived at by the Commission? The Commission has to adopt some sort of a standard. In the words of the announcement this unit must comprise a large area. Whether it is a part of one district or whether it is interchangeable is not quite clear. If this large area is going to be interchangeable then the Viceroy's reference to Gurdaspur is quite out of place.

Then again on the comparison of figures, take for instance the district of Sylhet. I find that the Muslims are in the neighbourhood of 60.62%[1]. Now it is a predominantly Muslim zone. Paragraph 13 of June 3rd Announcement states[2] :

> If the referendum (in Sylhet district)[3] results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal.

I submit if you look at the map of Assam, in some adjoining districts the Muslim population is 2% in another it is 0.06% in another it is 40%. Now these are all districts adjoining the Sylhet District. According to the plan the referendum in the district goes in favour of the Muslim League. There is a 60% Muslim majority population in the district but according to the Mountbatten Plan this whole district need not go to the Eastern Bengal. If there are 20 villages or if there are 50 villages contiguous to the Hindu majority area in the district of Sylhet, that area will have to be separated from the other part of the district of Sylhet and tagged on to Western Bengal. In the neighbouring district, the Hindu population may be 99% but if you can find a number of

[1] *60.72 percent, to be precise.*
[2] *Vol. I, p. 7.*
[3] *Words in parenthesis added by the counsel.*

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villages in the other district in which the Muslims are centred and that group by itself forms a Muslim majority area and can be conveniently attached to the Muslim majority area of the Sylhet District, then the whole of this area comprising parts of Sylhet, parts of Khasi Hills, parts of Lushai Hills and parts of other districts which are contiguous and in which the Muslim population is centred, then that area will go to the Pakistan zone.

Therefore my submission is this that most of the argument on the other side has been that you cannot split up a tehsil. The second unit is the district but I say if you take the district as a unit, then paragraph 13 is wholly unintelligible to me. If the tehsils were a unit, even then paragraph 13 is unintelligible to me. Again, the test is if in any area comprising one district or five districts, one tehsil or several tehsils, you can have a substantial area with a large Muslim population, then there is no question of coercing that area and placing that area in the Hindu zone. If you can find some area in the Lahore District, in Montgomery District, in Gurdaspur District and Nankana Sahib taken to consist of parts of Gujranwala, Sheikhupura and Lyallpur Districts, it is within the meaning of the plan because that is what the plan means by large areas referred to in it.

Therefore my point is that it may suit them very well to say that they will take *girdawari* circles, it may suit them to say that they will divide a tehsil, then they said the best plan would be to have a tehsil as a unit but, sir, it is not the convenience of the parties that has to be looked to; the first and foremost thing is what is contemplated in the meaning of the statement. And therefore I submit that the argument advanced by the other side that 'look here they are very strange people, they have carved out an area which consists of some villages of Pathankot, the whole of Shakargarh and block of Narowal, has no meaning'. I submit that a perusal of paragraph 13 makes it abundantly clear that such were the areas referred to in the Mountbatten Plan.

Then one more point and that is this. As regards the Sikh community, some arguments were addressed before this Commission that during the time of the Sikh gurus the position set out in the Sikh Memorandum (paragraph 21) is not the correct position[1]. You remember, sir, that when I addressed this Court at

[1] *Vol. I, p. 357.*

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that stage, Mr. Justice Din Muhammad suggested that a discussion of that part of the case may lead to unnecessary bitterness and I readily agreed with the suggestion made by Mr. Justice Din Muhammad and for that reason I said that it is common knowledge in the Punjab that the relations between the Sikh community and the Muslim community have remained strained since the time of the Sikh gurus. Now Sir Muhammad Zafrullah has put certain matters before this Commission which, according to him, tend to show that while on certain occasions, owing to state reasons, these people took some action, yet mainly the case of persecution of Guru Arjan was the work of Chandu, and that the case of the two infant sons of Guru Gobind Singh was a case of persecution by Sachda Nand and matters of that kind. He quoted some extracts from certain books before this Commission.

Now I may submit that the original contemporary history of that period is not known. Not all that history was available to modern writers and in some cases to the Punjabi writers and in some cases certain people drew upon their imagination. But take the case of Guru Arjan Dev. Who knows better than the Mughal Emperor Jehangir? No historian can put it better. He says, and my allegation is, that the Guru was persecuted under his orders for religious reasons. That is my allegation. Now let us go to *Tuzak-i-Jehangiri*. In *Tuzak-i-Jehangiri* the Emperor has said :

> In Goindwal which is situated on the bank of the river Beas there was a Hindu named Arjan, in the garb of *Pir* and *Shaikh* so much so that having captivated many simple-hearted Hindus, nay even foolish and stupid Muslims, by his ways and manners, he had noised himself about as a religious and world leader. They called him Guru, and from all directions, fools and fool-worshippers were attracted towards him and expressed full faith in him. For three or four generations, they had kept this shop warm. For years the thought had been presenting itself to me that either I should put an end to this false traffic or he should be brought into the fold of Islam.

SIR MUHAMMAD ZAFRULLAH KHAN : I thought, my learned friend was going to read out the original in Persian.

SARDAR HARNAM SINGH : I shall read the original in Persian if you dispute the translation. I am reading the translation from

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the standard books. Now this is what Emperor Jehangir wrote about Guru Arjan Dev. This translation I have taken from the *Journal of Indian History*, Volume XIV, Part II. Now I submit that if this is what Emperor Jehangir thought of this and he wrote this thing in his memoirs, then I submit that very little room is left for conjecture and speculation on this point. It may be that after he ordered the persecution of the Guru, an official was appointed to carry out these orders who was a Hindu but he was a mere executioner.

SIR MUHAMMAD ZAFRULLAH KHAN : I think we had better have the original Persian script of the quotation.

SARDAR HARNAM SINGH : I shall have the original in Persian placed before this Court.

Then again take the case of Guru Tegh Bahadur, the 9th Guru.

SIR MUHAMMAD ZAFRULLAH KHAN : I do want to raise seriously one matter. My learned friend can employ his time in any way he likes but the original division of time was that the other side was to open their case, my case being available to them in the form of a memorandum. I was then to open my case and to reply to their case. They were then to reply to my case, this being a reply to the reply of their case. If this is going to happen, I may have a chance also to reply to the reply of their case. They must today confine themselves to the reply to my case. I ask for a ruling from the Commission on this point.

MR. JUSTICE DIN MUHAMMAD : Personally, I think that he is within his right to give a reply to the case as put forward by you.

SIR MUHAMMAD ZAFRULLAH KHAN : The case put forward by me was on the Muslim League Memorandum.

MR. JUSTICE DIN MUHAMMAD : Anyhow it was a part of your case.

SIR MUHAMMAD ZAFRULLAH KHAN : I am not saying that he is not entitled to his time, but I do want this to go on record.

MR. JUSTICE MEHR CHAND MAHAJAN : But it was open to the Commission to hear them on any point which they wanted. After you have addressed the Commission for a day on that point, we would like to have their reply.

SIR MUHAMMAD ZAFRULLAH KHAN : What I do want to say is this that I may at least be permitted to complete my sentence. I was saying that the counsel has as much right to courtesy

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by the Court as the Commission has a right to courtesy from the counsel. If I interrupt you, you have a right to feel justly aggrieved as I do. But the time was divided in this manner. They were to open their case and I was to open my case afterwards and also to reply to their case. They were then to reply to my case, I want it to go on record.

SARDAR HARNAM SINGH : As regards the persecution of the 9th Guru, we have the testimony of William Irvine in *Later Mughals*, Volume I, pages 78-79, who says :

> Tegh Bahadur returned at length to Anandpur. Sikh tradition asserts that he lived the harmless life of a wandering devotee. Apparently he was seized at Agra and by Alamgir's orders transferred to the capital. After many efforts to convert him to the Muhammadan faith, he was tortured and executed at Delhi in the year 1675 A. D.

Then James Browne in the *History of the Origin and Progress of the Sikhs* written in 1788, on page 8, observes :

> However, the destined period of the children lives being come, one Kurruckchy Beg, a Mughal in the Shah's service undertook to perpetrate this barbarous murder, and went to the prison where the innocent victims were confined; the children clung round the neck of their grandmother to save themselves but the villain tore them away and cut their throats with a knife in the presence of this miserable woman who, unable any longer to bear such a load of calamity—her husband, Taigh Bahadur, having been murdered before (as was related), and her grandchildren now butchered before her eyes—sank under the violence of grief and horror excited by this last scene, and divine mercy by an immediate death released her from further suffering.

This passage relates to the murder of the two infant sons of Guru Gobind Singh, aged 7 and 9; and says James Browne in a footnote:

> Of all the instances of cruelty exercised on the propagators of new doctrines, this is the most barbarous and outrageous.

The Mughal Emperor may have some difference of opinion with Guru Gobind Singh but where was the justification to butcher the

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infant sons of Guru Gobind Singh who fell into the hands of the Governor of Sirhind? They were aged 7 and 9 at the time of this murder.

As regards the later period, we have got the *History of the Punjab* by Sayyed Muhammad Latif. In that history at page 188, the historian observes :

> Abdul Samad Khan, having humiliated the Sikhs and caused the destruction of their leader Banda, now took vigorous steps to destroy their power and to extirpate the race. A royal edict was issued to put all who professed the religion of Nanak to the sword and a money reward was offered for the head of every Sikh.

I have culled out these passages from the English historians, from the Muhammadan historians and from contemporary history and some of these passages are put in this Appendix[1] which I hand over to the Commission.

There is another matter which was referred to by Sir Muhammad Zafrullah in his arguments and that was this. In the days of the Gurus the Sikhs were to blame and in the present massacres the Sikhs are again to blame. He referred to certain statements made by Master Tara Singh and Giani Kartar Singh in this connection. I will now invite your attention to very important statements made by the leaders of the Muslim League long before the statement of Master Tara Singh referred to, was made. Malik Feroze Khan Noon is an important personage in the Muslim world in the Punjab. He made a statement on the 11th of April 1946, and long before the present great massacre of Rawalpindi and Multan Divisions Malik Feroze Khan Noon is reported to have said, "I tell you this much, if we find that we have to fight Great Britain for placing us under one central government or Hindu raj, then the havoc which the Muslims will play will put to shame what Halaku did". This was some 11 months before the great massacre of the Rawalpindi and Multan Divisions.

Mr. Liaquat Ali Khan, General Secretary of the Muslim League and the official spokesman of the Muslim League, is reported to have stated on the 5th August 1946, "We will resist it by all means

[1] *Appendix XXVIII, infra.*

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and will make the functioning of such a government impossible." "Direct action means resort to non-constitutional methods", he explained, "and that can take any form and whatever form may suit the conditions under which we live". Asked what specific action might be taken, Mr. Liaquat Ali Khan replied, "We cannot eliminate any method. Direct action means any action against the law". Then on the 18th August there is a leader appearing in the *Dawn* and there the heading is "Might alone can secure their right". That was the constitutional proposal made in the official organ of the League on the 18th August 1946. This was all a prelude to the great killing of Calcutta which started in the month of August 1946.

Sardar Abdur Rab Nishtar, another important member and a member of the Interim Government, made a speech which was reported in the *Tribune* dated the 18th of August 1946. He is reported to have said :

> Pakistan can only be achieved through shedding of blood by ourselves and if need be and opportunity arose, by shedding of blood of others. Mussulmans are no believers in the creed of ahimsa. We will act just as the situation demanded. Whether by violence or non-violence we have got to break the unholy alliance of British Imperialists with Hindu capitalists. There are only two alternatives before you now. Either be prepared to shed every ounce of blood and stake every penny for achievement of Pakistan or live a life of serfdom[1].

This was a constitutional proposal made by Sardar Abdur Rab Nishtar.

All these statements of Muslim League leaders have preceded what Master Tara Singh stated or is reported to have stated in March 1947. A reference was made to a poster published under the authority of Shiromani Akali Dal in which the social and economic boycott of the Muslims is threatened or is contemplated. Raja Ghanzanfar Ali Khan on the 31st of August 1946 made certain proposals. He put a five-point programme before the Muslim community. In that programme the first item is the total economic, social and political boycott of the British and the

[1] *Corrected by comparison with Appendix XXIX.*

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Hindus. Then again we find Mumtaz Daultana making a statement on the same day, the 31st August 1946. Mr. Daultana referred to the satanic methods of Lord Wavell and the British Government and suggested that their fight will be against the British but if thorns come in their way from any quarter, they will have to be removed.

I have culled out some important statements of the Muslim League leaders made during the period April 1946 and March 1947. In August 1946 the great killing drama was enacted in Calcutta. In March 1947 the great massacre was enacted in the Rawalpindi and Multan Divisions of the Punjab. I have put down these statements[1] in a consolidated form and I place five copies of that statement before this Commission and hand over a copy of this statement to the other side for their use. I am filing certain other quotations from contemporary history on the points that I have developed regarding the Hindu-Sikh relations. These are all quotations from the pen of Muslim authors.

Now a word or two about the statements made before this Commission by Dewan Bahadur S. P. Singha and Mr. Gibbon. Mr. Gibbon came before this Commission and made a statement for and on behalf of the Anglo-Indian community and as a representative of the Anglo-Indian community. I will only draw the attention of this Commission to a statement which appeared in the *Civil & Military Gazette* of the 14th of June 1947. On the 13th of June 1947 the governing body of the All-India Anglo-Indian Association passed a resolution in an emergent meeting of the said association wherein the conduct of Mr. Gibbon was strongly condemned and he was expelled from the membership of the All-India Anglo-Indian Association. He has come to this Commission after his expulsion from the membership of the All-India Anglo-Indian Association and after the All-India Anglo-Indian Association had dissociated itself from the activities of Mr. Gibbon. He came on that day before this Commission as a representative of the Anglo-Indian community in the provincial legislature. I am drawing the attention of this Commission to the *Punjab Gazette*, dated 25th of July 1947. He was before this Commission on that date and the Commission will find that he had been unseated before that date and was no longer a member of the Punjab Legislative Assembly

[1] *Appendix XXIX, infra.*

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representing the Anglo-Indian community. He was, I submit again, returned to the Punjab Legislative Assembly not as a result of voting but because the nomination papers of his rival candidate had been invalidated owing to formal defects. Therefore he cannot suggest before this Commission that he was returned to the Punjab Legislative Assembly by the Anglo-Indian community vote, because there was no voting and on the day that he appeared in this Court, he was not a member of the Punjab Legislative Assembly and his activities had been unreservedly condemned by the All-India Anglo-Indian Association on the 13th of June 1947. I will say nothing more regarding what he said before this Commission because that has got no bearing upon the boundary question which is before this Commission.

As regards Dewan Bahadur S. P. Singha, he came before this Commission as a representative of the Indian Christian community. There may be no confusion because Christians include Anglo-Indians, Indian Christians and Europeans and therefore I suggest that he does not lay any claim to the representation of the European community. His contention was that he represented the Indian Christian community. As regards his credentials I will only submit what is public knowledge regarding the activities of Dewan Bahadur S. P. Singha since the fall of the Khizr Ministry on the 2nd of March 1947. In this connection you will be pleased to note that on the 3rd of April 1947, a general meeting of the Lahore Branch of the Punjab Anglo-Indian Association was held. In that meeting Dewan Bahadur S. P. Singha was present and he made an attempt to clarify the position of the Christian M. L. As. In that meeting he stated that Christian M. L. As. did not take any side and that they would not be a party in the formation of a communal ministry.

That was his position on the 3rd April 1947. When frantic attempts were being made for the formation of the Muslim League Ministry, the position of Dewan Bahadur S. P. Singha was such that he could not take sides with the Muslim League and would not help them in the formation of the ministry.

MR. JUSTICE DIN MUHAMMAD : The only grief is that politicians may change their creed at any time they like.

SARDAR HARNAM SINGH : I submit that leaders may change their opinion and political creed, but with the change of political

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creed of Dewan Bahadur S. P. Singha, the mind of the Christian community is not changed. That is my submission.

MR. JUSTICE DIN MUHAMMAD : How do you say that originally he represented the mind of the Christian community? *(Laughter).*

SARDAR HARNAM SINGH : You are right.

DEWAN BAHADUR S. P. SINGHA : With what authority are you reading my statement? It is not my statement. Read the *Pakistan Times.*

SARDAR HARNAM SINGH : It appeared in the *Pakistan Times* of the 4th April 1947, and this position of Dewan Bahadur S. P. Singha was also reported in the *Tribune.* Then again there is a Catholic Union of India, an All-India Association Council of Indian Christians. Mr. Benjamin, the Secretary of that association issued a statement on the 12th April 1947, contradicting the news regarding the alleged assurance of Dewan Bahadur S. P. Singha to Mr. Jinnah about the co-operation of Indian Christians in the formation of the League Ministry. I am glad that at this time when I am putting this case before the Commission, Dewan Bahadur S. P. Singha is present here and he very rightly put me a question as to wherefrom I have taken this position which is attributed to him and I said that the position was stated in the columns of the *Dawn* newspaper, in the *Tribune* etc. I can say that Dewan Bahadur S. P. Singha right till today has not contradicted his statement or the position attributed to him.

DEWAN BAHADUR S. P. SINGHA : I contradict it now. *(Laughter).*

SARDAR HARNAM SINGH : Knowing the weakness of his position, knowing that he stands on a very sandy foundation and knowing that his representative character has been successfully contradicted before this Commission, Dewan Bahadur S. P. Singha has the audacity to mention at this stage, although he has not contradicted the position attributed to him all these months beginning with April 1947 upto this 31st day of July 1947, when this Commission is going to conclude its sittings so far as parties are concerned—he gets up and says that he now contradicts his position. Therefore the challenge came in the press of India and he was not prepared to accept that challenge.

MR. JUSTICE TEJA SINGH : He may not have read that news.

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SARDAR HARNAM SINGH : You have drawn my attention to the fact that he may not have read the statement. But it was he who drew my attention to the fact that that statement attributed to him appeared in the *Pakistan Times* and not in the *Tribune*.
DEWAN BAHADUR S. P. SINGHA : In the *Tribune* I have contradicted it and there are 15 versions given on my visit to Delhi...
SARDAR HARNAM SINGH : I am very glad for the information communicated to the Commission that he has been such a slippery fellow that 15 different versions were given by him about his intentions. Therefore I submit, as was rightly put by Mr. Justice Din Muhammad, that it is the easiest thing in this world to change the political creed, and Mr. Justice Din Muhammad was right in saying that where was the guarantee that in April 1947, Dewan Bahadur S. P. Singha, in fact, was representing the Christian community. My point in drawing the attention at this moment to the various positions taken up by him was simply this that men may change their views, their political creeds, leaders may change, but there may be some motive behind it.

MR. JUSTICE DIN MUHAMMAD : The difference now is between Dewan Bahadur S. P. Singha as an individual and Mr. Singha as representing various organizations which now back up his memorandum.
SARDAR HARNAM SINGH : I can very well understand his position if the Commission were satisfied that the various organizations, which in fact passed resolutions, have approved the memorandum which he was placing before this Commission. Had this memorandum been placed before any organisation, they would not have approved it, because it is abusive from one end to the other. This resolution shows that this is the outburst of Mr. Singha and no organisation could have approved of this memorandum, if it were placed before them.

Now I come to another matter. While putting his case before the Commission, Sir Muhammad Zafrullah Khan was very eloquent and said 'Well, in counting the figures, let us put Christian and Muslim figures together because the Christians have placed their mind before the Commission'. That is not the point.

Now I come to another point with regard to the transfer of population. As I have mentioned, the question of the transfer of population arose in the case of Montgomery District. Now I take

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it this way and read the announcement in this way. Supposing Mr. Setalvad said that there was a double set of instructions and the second set, as we have known by this time, was introduced merely for the benefit of the Sikh community. On that point there can be no dispute and that opinion has come from the Under-Secretary of State for India that this second set...

MR. JUSTICE DIN MUHAMMAD : This is being challenged by the other side and you cannot say that there is no dispute.

SARDAR HARNAM SINGH : There can be no dispute on this point of fact as to why the second set of instructions was introduced. I ask what is the meaning that you are going to attach to this part.

MR. JUSTICE DIN MUHAMMAD : I can only say that my lips are sealed.

SARDAR HARNAM SINGH : I say what is the meaning and what is the interpretation that this Commission may place upon the second set of instructions. That is the point on which the parties join issue. I have no doubt about it. At what stage do the second set of instructions come into being and why do they form part of paragraph 9 of His Majesty's Statement? On that point the official information is that this second set of instructions was primarily introduced to accommodate the Sikh viewpoint.

That information has been gathered from the Baldev Singh-Mountbatten correspondence which you can send for and examine. It appears from the statement of the Under-Secretary of State that the second set of instructions was introduced primarily to accommodate the Sikh viewpoint. It is possible that the Sikh viewpoint may not be met by this second set of instructions. Supposing, for the sake of argument, that this second set of instructions was eliminated from the announcement, then we are left with the first set of instructions and the function of the Boundary Commission is to demarcate contiguous Muslim and non-Muslim majority areas and draw the boundary. Now if you are to do that only, you will have to make detailed investigations on that question to find out the Muslim and non-Muslim majority areas and then to see whether they satisfy the second condition of contiguity also and then to draw the line.

Supposing that you take Lahore District which is bounded by the Lahore Branch of the Upper Bari Doab Canal, the river Ravi,

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the Lower Bari Doab Canal, the line which separates the *Bait* upland from the upland portion known as Manjha and the river Sutlej. Now I have given figures which show that this area is a non-Muslim majority area. It also satisfies the other condition and is contiguous to Amritsar. Then, according to the terms of reference which were given in the first set of instructions, how can you refuse me this area? I shall illustrate my point with the help of a map. I have already given the boundaries of the Lahore District. It is shown by the red portion in the map. It is contiguous to Amritsar which is a non-Muslim majority area and, as I have shown by figures, this itself is a non-Muslim majority area. It satisfies both the conditions. The result is that this area must be included in the East Punjab. The argument can be put that you cannot split up a district but the same argument will apply to Shakargarh area, the Lyallpur and Nankana Sahib area. My learned friend wanted figures with regard to the three *zails* of Khairpur, Nathana and Qilla Dharam Singh. We have supplied those figures. You are confronted with a situation that on one side you have a non-Muslim block of 10 lakhs population in Lyallpur and Sheikhupura and on the other side Lahore District with a non-Muslim population of 7 lakhs. My friend suggests that in between these two large substantial areas with non-Muslim majority, there are three *zails* with a population of 69,000. My submission is that what intercepts contiguity is the existence of a substantially large area and not a tract with a population of only 69,000 persons. This is all I have to say.

MR. JUSTICE MUHAMMAD MUNIR : In your opening argument you said that the words 'in doing so' qualify the word 'ascertain' and not the word 'demarcate'. Do you still adhere to that?
SARDAR HARNAM SINGH : I still adhere to that.
MR. JUSTICE MUHAMMAD MUNIR : Then according to your interpretation the word 'demarcate' is unqualified.
SARDAR HARNAM SINGH : My submission is that the words 'in doing so' relate to what has preceded. There are two tasks before the Commission, one is to ascertain and then to demarcate.
MR. JUSTICE MUHAMMAD MUNIR : The words 'in doing so' either qualify the word 'demarcate' or the word 'ascertain'. They cannot qualify both.
SARDAR HARNAM SINGH : Why not?

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MR. JUSTICE MUHAMMAD MUNIR : Your contention is that it qualifies both?

SARDAR HARNAM SINGH : The functions are to ascertain and then to demarcate. Therefore the words 'in doing so' relate to both these functions.

MR. JUSTICE TEJA SINGH : You in fact fall in line with the contention of Mr. Setalvad.

SARDAR HARNAM SINGH : They say that 'in doing so' relates to one part of the work of the Boundary Commission, i.e. in demarcating. I say that it relates to the two-fold work of the Boundary Commission, ascertaining and demarcating.

MR. JUSTICE MUHAMMAD MUNIR : As a matter of purely grammatical construction do these words qualify both or one?

SARDAR HARNAM SINGH : They qualify both.

MR.JUSTICE MUHAMMAD MUNIR : Then where is the difference?

SARDAR HARNAM SINGH : The difference arises in this way. They say that when you are ascertaining, you cannot take into consideration other factors.

MR. JUSTICE DIN MUHAMMAD : Who says?

SARDAR HARNAM SINGH : The Muslim League says that in the matter of ascertaining, other factors do not come into play while my submission is that other factors also come into play.

MR. JUSTICE MUHAMMAD MUNIR : Do you mean to say that geometrical and arithmetical principles may be qualified by historical, economic and other factors?

SARDAR HARNAM SINGH : Demarcating a boundary between the two parts of the province is not of the nature of drawing a geometrical line, it is of the nature of making, and in making this line other factors must be taken into account.

SIR MUHAMMAD ZAFRULLAH KHAN : Sir, I understand that the report of the Commission appointed yesterday is ready. It is necessary that one should know what it is. The Commissioner appointed on our side says that the report has been sent.

MR. JUSTICE DIN MUHAMMAD : Where is the report?

(The report was sent for by the Peshkar.)

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REPLY FROM THE BIKANER STATE

(At this stage Mr. R. C. Soni representing Bikaner State started reading a written statement and submitted that as the reading of the whole statement would take a great deal of time, so he would read portions from it and the rest may be taken as read. Sir Muhammad Zafrullah Khan objected to it and pointed out that replication had been ruled out by the Commission. Mr. Soni then started reading the attached statement[1].)

Reply to the Memorandum submitted by the Bahawalpur Government in connection with the demarcation of the boundary between the Western and the Eastern Punjab

(Paras correspond to the Bahawalpur Memorandum.)

1.0. The point raised is irrelevant as all the inundation canals of the Bahawalpur State have since been converted into weir controlled canals and are drawing much more supplies than the old inundation canals were capable of drawing. The area irrigated by inundation canals prior to 1918 was about 8,00,000 (page 73 of *S. V. Project Report* 1920), against 24,60,000 acres irrigated by S. V. P. Canals in the Bahawalpur State in 1945-46.

2.0. The truth of the matter is that the Bahawalpur State did not have a better claim than the Bikaner State to the *Rabi* supply from the Beas river. The Beas water could have been utilized by the Punjab for the irrigation of the Bist Doab area, where the sub-soil water table has been going down constantly. Even for the irrigation of the Ganjibar in the Montgomery District, the Punjab underwent the heavy expense of bringing the waters of the Jhelum by means of the construction of the Upper Jhelum and the Upper Chenab Canals. Having obtained a share in the Beas waters, it hardly lies with the Bahawalpur State to object to the full utiliza-

[1] *The typed statement should have been included as an appendix but is being reproduced here as a part of the proceedings since it was actually read before the Commission.*

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tion of the waters of the Sutlej and the Beas to the greatest good of the greatest number.

2.1. It is a mis-statement of fact to say that the 1920 Sutlej Valley Project Agreement was forced on the State. The agreement was accepted by the Council of Regency after thoroughly satisfying themselves regarding all the details of the agreement. Needless to say that by agreeing to participate in the Sutlej Valley Project, the Bahawalpur State has reaped considerable benefits. The area irrigated has trebled as compared with the area irrigated by the inundation canals before the S. V. Project.

3.0. The excess in the S. V. P. estimate was due to a rise in the cost of labour and materials, which could not be foreseen at the time of the preparation of the 1920 Project Estimate. The revised cost was shared in the agreed ratio by all the parties concerned. Bahawalpur did not pay anything in excess of its own agreed share. To say the least, it would appear grossly incorrect for the Bahawalpur Government with a trebled irrigated area to say that the Sutlej Valley Project has not been a profitable venture to the State.

3.1. The 1920 Project was based on the observation of the river discharges for a limited number of years. The British framers of the 1920 Project can be blamed only if they deliberately showed larger figures in the Project than they could reasonably expect.

Notwithstanding the actual supplies in the river Sutlej being found to be somewhat less than those assumed by the framers of the 1920 Project, it must be emphasized that the actual area irrigated by these canals in 1945-46 was 2.46 million acres against the figures of 2.24 million acres anticipated by the framers of the 1920 Project as modified by the *S. V. P. Committee Report,* Bahawalpur, 1932 (see statement on page 118, Volume III *Anderson Committee Report,*1935). What valid criticism then has the Bahawalpur State against the framers of the 1920 Project? They have achieved greater success than was anticipated by irrigating about a quarter of a million more area *[Sic]*.

4.0. The heavy remission mentioned in this paragraph may be due to bad soil or faulty administration. When the actual area irrigated is a quarter of a million acres more than that anticipated, the complaint of water shortage is obviously unfair.

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4.1. As pointed out above, the area irrigated in 1945-46 was more than anticipated. Even if it were not so, the remedy has been provided in clause 34 of the 1920 Tripartite Agreement. Clause 34 of the Agreement reads as below:

> 34. If at any time it is found desirable for the more efficient working of the Canal System to store water on the Beas, it shall be optional for the three partners to share the cost of the storage in proportion to the benefits to be received by them.

If the Bahawalpur State considers that more supplies are needed for efficient working, it should move to have a storage scheme constructed on the Beas river. The very inclusion of this clause proves beyond doubt that the 1920 Agreement sets free the Bhakra Project entirely for the South-East Punjab and certain parts of the Bikaner State.

5.0. It is not understood how the Bahawalpur State claims control of the waters of Sutlej river and its tributaries lying outside its own territory and not covered by the 1920 Agreement.

5.1. As a result of the recommendations of the Committee appointed by the Government of India in 1934-35, the Bahawalpur State has been able to obtain very substantial concessions on the Panjnad Headworks. The reduction on the Gharra Reach was due to the fact of the culturable commanded area in the Bahawalpur State being less than it was claimed in 1920. This was on Bahawalpur's own admission *(S. V. P. Committee Report,* Bahawalpur, 1932).

Bahawalpur State has represented that hopes and promises were held out by the Punjab Government that shortages in supplies in the Sutlej Valley Canals would be made good from the Storage Schemes. References quoted by Bahawalpur refer to a storage of 4.75 million acre feet at Bhakra while the revised final capacity is only 3.4 million acre feet.

Mr. Nicholson (the Punjab representative) in the very proceedings, which have been referred to by the Bahawalpur Counsel as constituting a promise to give a share in the Bhakra Storage, did not admit that there were serious shortages on the Sutlej Valley Canals. Paragraph 543 is reproduced from Volume III of the *Anderson Committee Report:*

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543. At the time it was fully foreseen that when the project came to work, the people would say that there was no water for the canals. Such a position has now arisen, but it may be pointed out that the resolution by Sir Michael Nethersole at the Delhi Conference of 1919, referred to principles previously laid down, on which the project had to be prepared and it was accepted on the information obtained that there was ample water to grow maize, fodder crops and rice from June to September. It was never anticipated that a canal system was being constructed which would be comparable to the Lower Chenab Canal or any of the other canal systems.

During the same proceedings when Mr. Nicholson was put the question, "Is it part of the Punjab brief that the anticipated supplies in the Sutlej river have been realised to such an extent as not to vitiate the agreement arrived at in regard to the distribution?" His reply was "Absolutely" (paragraphs 514-515, Volume III, *Anderson Committee Report).*

The 1935 Anderson Committee in their report and recommendations did not suggest that the shortages on the S. V. Canals should be made up from the Bhakra Storage Scheme. Paragraph 48 of Volume I of the *Anderson Committee Report* reads, "In addition to the Bhakra Dam Scheme to which no objection has been raised by any interested party, etc., etc".
The Bahawalpur State in their brief before the Anderson Committee, 1935, did not make any mention about their interest in the Bhakra Dam.

The same Committee in Paragraph 56, Volume I, recorded:

The Committee are impressed by the insufficiency of the supplies available for the S. V. P. Canals at the beginning of the kharif season when it is particularly required for sowing higher valued crops, and are of the opinion that there would be no objection to the transference of supplies from the Chenab to the Sutlej, etc. etc.

From the above extracts, it would be clear that while the Committee were aware of the insufficent supplies in the beginning of the kharif, the remedy suggested was the transference of the supplies from the Chenab to the Sutlej. This remedy would still be

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open to the S. V. Canals. Nowhere has it been suggested by the Anderson Committee that a part of the stored supplies at Bhakra should be made available to the S. V. P. Canals.

5.2. It may be categorically stated that the Bahawalpur State has absolutely no claim to the storage waters at Bhakra. This is clear from paragraphs 1 and 4-A of the 1920 Agreement.

This contention will be proved beyond doubt by the following extract from the Government of India despatch No. 15-Public Works, dated Delhi, the 17th March 1921, to the Right Honourable Edwin Montagu, His Majesty's Secretary of State for India (page No. viii of the printed copy):

> 21. Finally, we would invite your attention to the concluding paragraph of our Inspector-General's note as to the position of the Project in the general programme of development in the Punjab. It is most satisfactory to note that the agreement with the States places no restrictions upon the Bhakra Dam Project, a scheme which has, for its object, the storage of water on the Sutlej above Rupar during the monsoon for utilization in the area now irrigated by the Sirhind Canal and in neighbouring tracts.

The relevant extract from the note, dated November 15, 1920, by Sir Thomas Ward, Kt., C. I. E., M. V. O., Inspector-General of Irrigation in India, on the Sutlej Valley Canals Project 1920 (Enclosure No. 3 to despatch No. 15-Public Works of 1921, page No. xviii of the printed copy):

> 28. The detailed terms of Agreement are attached to the Local Government's letter forwarding the project. Clause 4 of the same deals with the details of intensities, duties, share and full supply capacities, etc., etc., already discussed in this note and contains further an important provision that the project is to be based on the supplies in the Beas together with only such water as may be left in the Sutlej after the irrigation requirements of the latter river above its junction with the Beas have been satisfied, this arrangement leaving the waters of the upper reach of the Sutlej free for the Sirhind Canal and for any further development which may be possible....The importance of the provision lies in the fact that it clears the way for the Bhakra

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Dam Project, a scheme, which is at present under consideration by the Punjab Government, which contemplates the storage of large volumes of flood water on the Sutlej above Rupar to augment the natural flow in the river for use in the Sirhind Canal and extend irrigation into new tracts in Hissar and Bikaner.

The above point was further cleared by the Government of India, by a special reference made to the Secretary to the Government of the Punjab in their letter No. 15-I, dated the 11th January, 1921:

I am further to enquire whether the local Government are satisfied that they have now the right to proceed with further developments of irrigation on the Sutlej, such as the Bhakra Dam Project, without any possibility of fresh opposition from the Bahawalpur Durbar. The drafting of the agreement with the States does not appear to be altogether satisfactory; clause 4 which relates to the point in question is ambiguous as it does not expressly state whether the 'irrigation requirements' mentioned include future as well as existing requirements.

The Secretary to the Punjab Government in C. P. 16 of Case No. 32 of 1920, regarding the Sutlej Valley Project, dated the 15th January, 1921, made the point clear in paragraph 7 of their reply :

7. In regard to the question of the correct interpretation of Clause 4 of the Agreement with the State, I am to explain as follows. When this Agreement was signed, the representatives of the States had before them the Project Report and the Chief Engineer's note thereon in both of which the British requirements upon the Sutlej above the junction of the Beas are distinctly specified as being those of the Bhakra Dam Project, which include those of the existing Sirhind Canal. In paragraph 18 of the Chief Engineer's note of the 29th August 1920, in which the Kharif supplies to the Sutlej Valley Project are discussed, special stress is laid on the withdrawals explained. The whole of the Sutlej Valley Scheme has been framed so as to be consistent with the future Bhakra Dam Scheme, to such an extent that an acceptance of the one would be meaningless without an acceptance of the other. A perusal of the Sutlej

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Valley Project and of the Chief Engineer's note accompanying it will show that the intention of clause 4 of the agreement, as allowing for the supplies necessary for Bhakra, is clear and incontrovertible, and it would be impossible for the Durbar to argue that they did not, in accepting the project, thereby agree also to the Bhakra Scheme. The Government of the Punjab anticipated no further difficulty in this respect, and are convinced that the interests of possible future extensions of irrigation on the Sutlej are fully safeguarded under the Agreement as now framed...

6.0 and 6.1. *(i)* It has been shown, vide the explanatory note in the Bikaner State Memorandum (copies supplied to the Commission previously) that Bahawalpur State has no interest in the Headworks at Ferozepore. The area irrigated from the tail of the Eastern Canals is only 65,000 acres. This was given as a concession to the Bahawalpur State. The State did not pay anything towards the cost of the Ferozepore Headworks nor towards the cost of increasing the capacity of the Eastern Canal. On the contrary, the Bikaner State is vitally interested in the maintenance of the Ferozepore Headworks and the Bikaner Canal lying in the British territory. This State has paid more than Rs. two crores towards the cost of the construction of the Headworks and the canal in question. The Bikaner State has only one canal on which it depends for its food supplies and economic existence. It is therefore obvious that the interests of the Bikaner State are much more vital in the Ferozepore Headworks than those of any other party. The Ferozepore Headworks and the Bikaner Canal therefore should be placed in the Eastern Punjab as specifically stated by the Bikaner State in its memorandum.

(ii) The Bahawalpur State cannot claim territorial rights on account of the Canal Railway from Chananwala Railway Station to the Suleimanki Headworks. If the argument of the Bahawalpur State is extended, the entire railway line beyond Chananwala would also go to the Bahawalpur State. This obviously is absurd.

The Bahawalpur State Memorandum refers to the 29 villages between the Suleimanki Weir and Ghurka Ferry, which are said to have been ceded to the British Government in 1844. Obviously the Punjab Boundary Commission has nothing to do with this claim

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of the Bahawalpur State.

(iii) The Bahawalpur State in this paragraph appears to claim that the boundary should be so fixed that the storage sites on the Sutlej and the Beas should fall in the Western Punjab. This is obviously a ridiculous claim, when it is remembered that the storage sites are situated in the States of Bilaspur and Mandi.

6.2. It is submitted that it is outside the scope of the Boundary Commission to examine the claims of the Bahawalpur State with reference to water under the 1920 Sutlej Valley Project Agreement.

It has, however, been shown that the area actually irrigated in the Bahawalpur State is more than the area anticipated in the 1920 Project. Whatever supplies are available in the river are distributed between the various partners of the 1920 Agreement in certain agreed ratio. No party gets anything more than it is entitled to under its own share under the agreement. The crucial test of the success of the Project is the area actually irrigated by the Canals.

7.0. The Bahawalpur Counsel emphasized that in the Gharra Reach, the share of the Eastern Punjab is only 17% and that of the Western Punjab including Bahawalpur is 83%. It has been suggested that the Ferozepore Headworks should consequently be placed in the Western Punjab.

There is a fallacy in the above argument. The regulation and sharing of supplies is one matter and the management and maintenance of the engineering structures is entirely a different matter. The supply in the Gharra reach of the Sutlej is distributed between the various partners at 3 headworks i.e., Ferozepore, Suleimanki and Islam. The cost of construction and maintenance of the 3 headworks is borne by the parties in the ratio of their authorised perennial capacities. Two of these headworks are situated in the Western Punjab, while Ferozepore is situated in the Eastern Punjab.

At the Ferozepore Headworks 3 canals take off. The Dipalpur Canal on the right, irrigating Lahore and Montgomery Districts, the Eastern Canal on the left, irrigating part of the Ferozepore District, and the Bikaner Canal, irrigating the northern part of the Bikaner State. The ratios in which the cost of the Ferozepore Headworks was borne by the various parties are given below:

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Bikaner State	2,144/7,340
Eastern Canal	1,682/7,340
Dipalpur Canal	3,514/7,340

The share paid by the Bikaner and the Eastern Canals is more than the share borne by the Dipalpur Canal. The Bahawalpur State did not pay anything towards the cost of the construction of the Ferozepore Headworks, even though a small area of the State receives water from the tail of the Eastern Canal. In the 1926 revised *S.V. Project*, Volume I, page 19, it was specifically stated that the Bahawalpur State though receiving water for some of their area from the Ferozepore Weir will not be a partner in the Headworks.

The area irrigated and the supplies actually received by the Bikaner and the Eastern Canals are more than those of the Dipalpur Canal. The Bahawalpur State is not at all interested in the maintenance of the Ferozepore Headworks. In fact if the Ferozepore Headworks did fail, the Bahawalpur State would actually benefit.

The regulation at Ferozepore has been done in the past by an Executive Engineer of the Punjab and no mistakes have occurred. There is, therefore, no reason to apprehend that any such mistakes are likely to occur in the future. The gauges and the discharges of the canals taking off at Ferozepore are always subject to a check by any representative from the Bahawalpur State at any time. Even if it be assumed that some mistakes are liable to be made, these could easily be rectified and the injury caused to the Bahawalpur State and the West Punjab canals would be negligible.

The safety of the Ferozepore Headworks is most important to the Bikaner State, as the Canal Colony in the Bikaner State is dependent on the canal water even for drinking purposes. In accordance with the 1920 Agreement, clause 17, the British Government is to have full and exclusive control of the distribution of the supplies at the Canal Headworks. At the Ferozepore Headworks, the major interest is that of the Eastern Punjab. In accordance with the same Agreement, for the maintenance and management of the Headworks with their connected works and in the case of the Bikaner main line down to the State border, the responsibility is to be entirely of the British Government.

It is, therefore, logical that this management and control of the

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Headworks and the Bikaner Canal should pass to that part of the partitioned Punjab which will be part of the same Union as Bikaner State. As pointed out above the regulation will not present any difficulty. The Bahawalpur State is interested only in getting its share of the river water below the Ferozepore Headworks. The regulation at the lower two Headworks, i.e., Suleimanki and Islam will be in the hands of the Western Punjab according to the notional division.

A map is being submitted showing the location of the various headworks on the Sutlej System. It also shows the canals taking off from each headworks and the districts which each canal irrigates. Upstream of the three headworks mentioned by the Bahawalpur State, there is the Rupar Headworks from where the Sirhind Canal takes off. The regulation of the Sirhind Canal which irrigates districts and states of the East Punjab will be done by the East Punjab. Similarly, when the Bhakra Dam has been completed, the regulation at the Dam site will be done by the East Punjab. The fact that Bahawalpur is interested in getting a certain share of the river supply does not entitle the Bahawalpur State to make a suggestion that the Ferozepore Headworks should lie in the Western Punjab.

When the Bhakra Dam has been completed, the area of the Eastern Punjab irrigated from the Sutlej river would be far greater than the combined areas of the West Punjab and the Bahawalpur State. This will be obvious from the map.

The waters of the Cauvery River are distributed between the Mysore State and Madras Province. Regulation and control at Krishanaraja Sagar Dam is in the hands of Mysore; Madras has an officer stationed at Krishanaraja Sagar to watch the interests of Madras. Madras has never claimed territorial rights over the area in which the Dam is situated because of their greater share in the Cauvery waters. Similarly, Sind has an interest in the Punjab rivers. Sind, however, has never claimed territorial rights over the Punjab on this account.

In the case of all inter-State rivers the apportionment and regulation is done in accordance with agreements arrived at between the parties concerned.

The Indus Commission commonly known as the Rau Commis-

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sion, in Volume I, page 23 of their report refer to three agreements relating to the apportionment of common waters. The agreements are:

(1) Between Mexico and United States, signed in 1906, regarding the distribution of the waters of the Rio Grande River after the completion of a storage dam by the United States in New Mexico.

(2) Between Madras and Mysore, signed in 1924, regarding the distribution of the waters of the Cauvery river after the construction of the Krishanaraja Sagar Dam by Mysore; and

(3) Between Great Britain and Egypt, signed in 1929, regarding the distribution of the waters of the Nile in connection with the storage dam which had been constructed at Sennar in the Sudan.

In all these cases, regulation and control of the engineering structures is in the hands of the authority for whose benefit and in whose interest such structures were constructed. The regulation and apportionment of river water is done in accordance with the rules and regulations agreed upon. In the case of the Sutlej Valley Project, such rules, fortunately, already exist. Never has any suggestion been made that for reasons of apportionment of supply, territorial control of an engineering structure should pass on to the charge of somebody who is not interested in the construction or maintenance of such structure.

The agreement between Great Britain and Egypt lays down:

The Inspector-General of the Egyptian Irrigation Service in the Sudan, his staff, or any other official whom the Minister of Public Works may nominate, shall have the full liberty to co-operate with the Resident Engineer of the Sennar Dam, in the measurement of discharges and records to satisfy the Egyptian Government that the distribution of water and the regulation of the dam are carried out in accordance with the agreement reached.

A similar arrangement could be adopted at Ferozepore Head-

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works to satisfy the Bahawalpur State and the Western Punjab.

Kanwar Sain
O.B.E., R.B., I.S.E.
for and on behalf of the Prime
Minister of Bikaner State

Dated the 31st July 1947

EXCHANGE OF ARGUMENTS
(The Muslim League and the Indian National Congress)

MR. SETALVAD : Sir, it is my duty now to reply to the arguments advanced on behalf of the League, arguments presented with ability, thoroughness and eloquence, which have commanded not only the admiration of myself, but I am sure, of counsel, who represented other sides also, as well as my side. In my reply I shall try to be brief and try as much as possible to avoid repetition and I will try as much as possible also to proceed in the order my learned friend has adopted in dealing with the matter so that things may be more intelligible to someone reading the record of the Commission.

The first question that stands out for determination is that of the scope of your enquiry. A great deal has already been said on the scope of this enquiry. We have gone into the political history, the history of negotiations, what somebody said, what somebody wrote and what somebody may have written. My respectful submission to the Commission is that going by all the accepted canons, whether of legal documents, of private instruments or terms of reference of any enquiring body, the accepted principle is clear that you have to go by your terms of reference, the plain, the natural, the apparent meaning of these terms of reference, and I submit that these and these alone must guide you in arriving at a decision as to what the scope is. If you look at the terms of reference which have been read and re-read and I will not read them again, the process is one, the process which you have to follow, the process of demarcation of the boundary. In doing so, you are told in the first sentence that you have to adopt a certain basis. In the second sentence, you are told that in doing so, again in going through the same process, you are to take into account other factors. Where is, with respect to the ingenuity which has been spent on these terms of reference, where is the question of any

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doubt or ambiguity about the meaning of this expression? You have got one process to perform in doing that. In arriving at the result you have to take into account other factors. It is to my mind plain beyond words. Where is the room for the contention that something is absolute and the rest is subsidiary or local or incidental? I submit, on the plain language used, there is no room for doubt whatever, that in putting down the boundary you are to take into account other factors and there is not a word there to indicate that these other factors shall affect your judgement only to a point and no further, to a degree and no further at all. There is no such limitation. You will appreciate, sir, the dangers of entering into an investigation of what the terms of reference mean by reference to incidents, political controversies or negotiations if they may be so termed. You have heard what the Muslim League always claimed. You have been told that the Muslim League's claim to territory has always proceeded on the basis of population. Others may dispute it. Some one may ask why was Assam claimed? There is no question of the basis of population there. I am giving this not for the purpose of entering into a controversy but merely for the purpose of illustrating the dangers of entering into the field into which you have been invited to enter, I think, both by my learned friend opposite and one of my learned friends on my side. Entering into the negotiation and past happenings would all be irrelevant.

An argument was put forward that here is a document which has been interpreted by His Excellency the Viceroy, further, that that interpretation is one which has been accepted by the parties and that the terms of reference are based on such acceptance, and that being so, if I understood the argument correctly, you cannot deviate from His Excellency's interpretation. I submit that that proposition is altogether unsound.

Assuming for a moment—I do not concede that His Excellency had explained the terms of reference, obviously he could not, the terms of reference followed much later—for the purpose of argument, that he has explained the terms of reference, I submit, the author of an instrument, and he has been described as such by my learned friend on the other side—it has been authoritatively and judicially laid down, becomes one of the worst interpreters of what he has framed. I do not think any authority is needed for

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that proposition. So far as the recent interpretation of His Excellency is concerned, this Commission must shut its eyes to that interpretation in so far as it can judicially do so but I go further and say the very premise on which my learned friend has relied is unsound because the so-called interpretation by His Excellency was on the 4th of June. There are the two documents, the broadcast and the press conference. The terms of reference came at a later stage and according to my learned friend's own showing the 1st of July is the date on which they were published. According to my learned friend's own statement, His Excellency himself stated that those terms would be discussed and arrived at by the leaders so that when His Excellency spoke on the 4th, the terms of reference were yet to be formulated and discussed and how could you have an interpretation of something which was published on the 1st of July, on the 4th of June?

Proceeding further, you will not find in the interpretation by His Excellency a single word which will throw light on what really has been the crucial subject of debate before you, what is the meaning to be attached to the second sentence in your terms of reference. No one, so far as I can read the press conference report, put to His Execellency the question as to what was denoted by or what was meant by the words "other factors" in the second sentence of the terms of reference and His Excellency has nowhere, so far as I know, answered that question. Therefore examining the submission made on this point by the other side, from whichever angle you look at it, I say, there is no warrant at all either on accepted principles or from the factual point of view in going into what happened at an earlier stage.

I do not know but if one can visualise it, one will imagine there must have been a discussion, even an observation, as to what the terms of reference should be. You do not find in the earlier documents, to which my learned friend has called attention, anything but the population basis. I am referring to the resolution of the Working Committee, I am referring to the letter written by certain M.L.As. You will not find any reference to any other factor. This document proceeded on what can be called purely a population basis. We have other factors emerging for the first time in His Majesty's Government's Statement dated 3rd of June, evidently as a result of happenings and discussions in between, and finally you

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have practically to see them incorporated in the terms of reference published on the 1st of July. My learned friend has, I believe, accepted the position that there is no substantial difference between what you find in the 3rd of June Statement of His Majesty's Government and what you find in the 1st of July's terms of reference. If that is so, it is clear that we have the introduction of a phrase both in His Majesty's Government's Statement and in the terms of reference which arose as a result of discussions and it is the meaning of that phrase that has to govern your scope of enquiry, not what somebody thought or said about it.

No doubt there is the statement of the Under-Secretary of State for India which followed the terms of reference dated the 1st of July. My submission in regard to that has been the same that it is merely an expression of Mr. Henderson's notion as to what the terms of reference mean and nothing more. What Mr. Henderson means is clear because he proceeds to state what really is the true position; that it is for the members of the Commission to define and decide what the other factors are and further, what importance you will attach to those factors.

MR. JUSTICE TEJA SINGH : Except that it divulges a question of fact.

MR. SETALVAD: That matter has been put forward before you by Sardar Harnam Singh. I do not wish to go into that question whether it amounts to an expression of opinion. It is for you to decide whether the statement which you have before you amounts to a statement of fact or is merely an expression of opinion. This you have to judge after reading the terms of Mr. Henderson's speech in the House of Commons.

Therefore we are really left with this, the expression 'other factors' and the material thing to bear in mind is that in the terms of reference there is nothing to warrant what my learned friend has repeatedly suggested, namely, the other factors are what he termed local factors or subsidiary factors and so forth. On the contrary the indication is entirely the other way. It is in the process of your demarcation that you are directed or instructed to take into account other factors. You take a pencil. You have got the contiguous majority areas. You come to those areas but then your conscience may be after the economic factor. The pencil stops there. You take into account the other factors and make

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your pencil diverge one way or the other. That is the process which is visualised. What warrant there is, it is difficult to say, for suggesting that that process need extend only to a certain degree and no more. Further, I submit, it stands very much to reason that your discretion should not have been fettered in the manner suggested by my learned friend. Having regard to the magnitude and the complexity of the problem involved, having regard also to the nature of the country that you are dividing, it is but a reasonable issue that a very wide discretion was left to this Commission to arrive at its conclusion. I am thus contending for a complete discretion to this Commission both to decide what factors they will take into account and further what importance they will attach to judge all those factors. And that economic factors come into play is recognised by the League itself, because in its own claim they have come into play and what my learned friend himself described are the economic factors in regard to Madhopur. That is only an illustration and that illustration which I have given displays a perfect concience of the true meaning of other factors on the League side. That, briefly, is my submission in regard to the true construction of the terms of reference and I submit that what my learned friend described as the history of the demand and the counter-demand and the details of it are of no consequence in arriving at that determination.

A further point which arose in connection with the terms of reference is the expression "Muslim and non-Muslim". My learned friend based an argument on the expression "Muslim" and if I understood him correctly—and some difference was made by the use of the two expressions—he said, "The Muslims form one community, therefore, that is a positive description and 'non-Muslim' is a negative description". That is, we are not Muslims, and that is the plain meaning of the words. But what follows from it, it was difficult to say and what follows from it on the construction to be attached to the terms of reference. I submit that nothing whatever follows from the word 'Muslim' defining a community or the word 'non-Muslim' defining conglomeration of communities. No description which results in a different construction follows it. My submission is that what is contemplated is the population factor and you will class the population into two divisions—one, a division consisting of Muslims and another division consisting of non-

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Muslims—may be non-Muslims, may even consist of three, four or five communities. But so far as the population factor is concerned, you are not at liberty having regard to the terms of reference to go into any further classification of non-Muslims. I may illustrate it like this. Take a pencil in your hand, draw a line and having arrived at the decision on the basis of Muslim and non-Muslim majority areas you cannot pause there, and change your line on the ground that there Muslims plus a community, if the Christians come in, form a majority. Your are not permitted by the terms of your reference to arrive at a majority of Muslims plus Christians on that basis. That is not your basis and that is going contrary to your basis.

I am saying that because, throughout the course of his arguments, my learned friend has been giving you total after total of Muslims plus Christians in every tehsil and in every district he dealt with. This total is irrelevant. It is not permissible to you to look at the picture in that way and the thing is very simple. When you consider the Christians plus Muslims, then you do not take contiguous Muslim and non-Muslim majority areas. You take into consideration contiguous majority areas of Muslims plus Christians and non-Muslims less Christians. That is what you do and that is what you are not permitted to do. The thing may be illustrated a little further. Supposing in an area in which you are concerned, a section of Muslims, themselves comes forward saying that they take the view that they should be in the Eastern or the Western part, then you would not be at liberty to hear that class of Muslims. Your answer to such contention would be, 'we are very sorry, we have been asked to take areas in the manner mentioned in the terms of reference and so far as the population basis is concerned, we can only class Muslims on the one hand and all non-Muslims on the other'. So, I say that it is entirely contrary to your terms of reference.

In that connection, it is necessary to refer to certain persons representing certain bodies who appeared before you. There was a representative of the Anglo-Indians who, I believe, gave the important information that 99% of the Punjab Anglo-Indians have Muslim blood in them. Then there was the representative of the Indian Christians who believed that the Christian religion was akin to the Mohammadan religion and then there was someone representing the Scheduled Classes also who complained of some-

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thing at the hands of caste Hindus. At the moment I am [not?] concerned with the credentials of these gentlemen who appeared before you and those have been debated. I believe, these gentlemen being local people, their credentials are very well known to the four members of the Commission who are presiding here. I do not add anything to what has already been said with regard to them.

But I am concerned with another aspect of the matter having regard to your own terms of reference. All that they say is that 'for certain reasons we want to go to the East and some say we want to go to the West'. The answer to that is, 'you gentlemen are classed, so far as the terms of reference are concerned, with the non-Muslims and therefore your wishes do not count in the matter'. The question may well be put to me at this stage : 'True it is that the population is to be divided into two sections, but it may be asked, why should not this form another factor or a factor to be taken into consideration?' My simple answer to this contention is that you are not permitted by the terms of reference to take into account the population in any manner other than that mentioned in the opening paragraph of the terms of reference. So far as the population factor is concerned, it is defined in that first sentence and that is your charter. It is only in respect of other matters, other than the population factor, that you are concerned with, that the second sentence brings in other factors also. So that the position is that all those gentlemen representing various associations, having regard to the terms of reference, have no locus standi in this matter at all, even assuming for the purpose of argument that they are representing proper credentials and that what they say is supported by sound and proper reasons.

Another thing that arises from the terms of reference is the contention raised by my learned friend that you should have a standard or a unit for the purpose of proceeding on the population basis. The expression used, I think, was a standard or a yardstick. That I submit is unsound. If you look at your terms of reference, the expression used—I say advisedly used—is 'area'. Where is the question then of your selecting an administrative unit as an area? My learned friend's submission was that for the purpose of notional division a district has been taken to be a unit. He went on further and quoted an answer from the Viceroy and the

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argument that he wanted to build was that a tehsil should be a unit, and somewhat inconsistent with his claim it runs into a portion of a tehsil as well.

My submission is that that is not the basis. I say that the expression 'area' has been advisedly used in order to give effect to this position. However, an area may be shaped, it may be tehsil-wise, it may be an area running in a broad belt through three, four, or six tehsils, if it satisfies the requirements laid down having a majority and also having contiguity, should not be ruled out merely because it is not a tehsil. A tehsil is an administrative unit much smaller than a district; liable to frequent changes for administrative purposes. There cannot be anything sacrosanct about a tehsil. My submission therefore is that in considering the expression 'area' you must look at it as a large and substantial area. I am using this expression as it has been used in some of the official documents, any substantial area with a fair amount of population. It was argued that if you give up tehsil as a unit and adopt any other standard, the result might be what has been described as 'a crazy boundary'. The answer to that is two—fold. The first is that if you stick to tehsil-wise division, you might well be landed into a crazy boundary. The second is that you may have a situation where you are to take into account other factors and the widest discretion has been given to you to demarcate an area which has all the characteristics you may require and so demarcate it in the best manner possible. It does not mean that you may draw a line crazily. All that it means is that if you arrive at a line which can suit the circumstances, you have the power to draw it taking into account the other factors. These are my general submissions of a preliminary nature.

Now I come to the Muslim League claim which I will deal with in a little detail, so far as it concerns the east part of the Sutlej and in respect of which I said that I would deal with it after my friend had put forward his claim. I first take up the Jullundur Tehsil. The line I intend taking up is that I will first take up the tehsil which has been claimed by my friend as a whole and then I will take up portions of the tehsil. In regard to the Jullundur Tehsil, one feature which you must have observed from the map is that the map shows tehsil-wise demarcation. You will find what the Muslim population according to the 1941 Census is : I am tak-

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ing out the Jullundur city as the point I am making is that if you take the whole tehsil you find a Muslim majority but the concentration of the Muslim population is in the city itself so that, barring the city, the rest of the tehsil is a non-Muslim majority tehsil. The figures for the whole tehsil including the city are[1]: Muslims 2,26,443 and non-Muslims 2,16,587 and the excess of Muslims over non-Muslims is 9,856[2]. In regard to the city the total population of the city is 1,10,969. Out of this total, Muslims are 72,542, non-Muslims 38,427, excess of Muslims 34,115. So you find from these figures that the tehsil has a majority of 9,856 Muslims[2]. If you want I can give you the figures leaving out the town, the non-Muslim majority outside the town limit is 28,571[3], the percentage being 53.7[4] non-Muslims to the total, so that the town forms an island surrounded by non-Muslim majority areas.

MR. JUSTICE TEJA SINGH : Have you got the figures of the tehsil exluding the town?

MR. SETALVAD : This is a matter of calculation and I will give you these figures later on. Therefore the point to remember is that really the city is a Muslim majority area but a sort of an island surrounded by the non-Muslim majority areas. Further, even if one goes to the rural part, the contiguity of Muslim areas is broken, so that you have not a contiguous Muslim belt which extends from the boundaries of the tehsil to the city. Therefore I say the town forms an island.

In regard to the Jullundur Tehsil, I may give you figures for the earlier census years.

In 1911 we have a total population of 2,78,101. Out of this, non-Muslims are 1,41,681, Muslims 1,36,420, a majority of over 5,000 of non-Muslims.

In 1921, the total population is 2,89,396. Out of this non-Muslims are 1,46,961 and Muslims 1,42,435. A majority of over 4,000 for

[1] *The population figures of Jullundur Tehsil according to the printed census report are as follows:*

Muslims	*2,26,623*
Non-Muslims	*2,16,387*
Total	*4,43,010*
Excess of Muslims over Non-Muslims	*10,236*

(Census of India, 1941, *Vol. VI : Punjab—Tables (Delhi, 1941), pp. 60 61.)*

[2] *The correct figure comes to 10,236; see footnote 1 above.*

[3] *The correct figure will be 23,879.*

[4] *The percentage should be 53.59.*

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the non-Muslims.
In 1931 the total population is 3,47,123. Out of this non-Muslims are 1,74,867 and Muslims 1,72,256. A majority of over 2,600. In 1941 total population is 4,43,010. Out of which non-Muslims are 2,17,387 against 2,26,623 Muslims which gives a majority of 9,856 for the Muslims[1]. The percentage is 51.1 Muslims and 48.9 non-Muslims[2]. Therefore you see from that until we come to 1941, taking the tehsil as a whole, there is a non-Muslim majority and the position today is as I have described above.

Now I give you the acreage and land revenue figures. Land revenue : Muslims Rs. 2,35,579, non-Muslims 3,11,143. The acreage figures are: Muslims 1,11,219, non-Muslims 1,33,159. One factor in regard to this tehsil which is to be mentioned is that on the west of the tehsil exists the State of Kapurthala. In regard to that a suggestion was made that the intervention of the state was really, as it were, to be disregarded, so that notwithstanding the state territory coming in between the tehsil on the one side and the area on the other side, the area was to be regarded as a contiguous area. My submission is that that interpretation of the word 'contiguous' is clearly incorrect. Contiguous means adjoining and a territory cannot be said to be contiguous which is separated by another territory by a few hundred miles.

One thing more we will mention about this tehsil is that it is on the main line, i.e., the Jullundur Town. The railway passes through the tehsil and if this tehsil is included in the West Punjab, it will result in cutting off communications between certain parts of the East Punjab. My submission can only be based on the hypothetical footing that certain districts which are in the notional division would be in the East Punjab. One has only to observe on the map the route the railway takes to show how the communications would be cut. I will not go into details. It cuts the railway into bits, alternating one territory and another.

I will now go on to Nakodar Tehsil. I have not got the advantage of having the same map as you have. Looking at the map you will find the red coloured portion. I think it is green in the map which you have; it marks the boundary as claimed by the Muslim League. Within that boundary we have shown predominantly

[1] *See footnote 1, p. 517, supra.*
[2] *It ought to be 10,236.*

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non-Muslim villages by means of red colour and wherever the contiguity is broken we have also taken bits right up to the river to show how contiguity is broken. The map of Nakodar tehsil will show to you that so far as Muslim majority areas are concerned, you find them in two main islands, one towards the south along the Sutlej and another on the north, so that there is a clear break of contiguity inside the area itself.

MR. JUSTICE MEHR CHAND MAHAJAN : This is based on village figures?

MR. SETALVAD : Yes. We have taken the village map and the census figures as our basis. I am in fact putting to you the official map on the census figures painted red and green. That is the procedure we have adopted and this is a tracing from these maps.

MR. JUSTICE DIN MUHAMMAD : The colour is not official?

MR. SETALVAD : No. It is white on the official map. The position in regard to Nakodar is that if you take the tehsil as a whole—I gather that they are claiming it on the plea that my friend has proceeded upon, namely, taking the tehsil as a unit—if you regard it as such and do not consider the question of contiguity, then he is right. But if that submission of his is not correct and you are to see areas generally in the manner I have indicated, then you will find, on an examination of the map, that the contiguity of the Muslim portion is broken by two non-Muslim belts. Again the trade of this tehsil is connected with Jullundur which is of course a more important place.

I will give you the tax figures in regard to this tehsil. The income tax paid by non-Muslims is Rs. 38,500 and that by Muslims Rs. 3,803 in round figures[1]. Sales tax: non-Muslims 7,289, Muslims 606[2]. The reason for the trade which flows from this tehsil to Jullundur is that the other side is blocked by the river, so that most of the trade flows to Jullundur and there is no bridge on the river Sutlej. Passing on next to Zira Tehsil...

MR. JUSTICE TEJA SINGH : Before you go on to Zira, see Nakodar. It is adjoining on one side Kapurthala, Jullundur and Phillaur, which is a non-Muslim majority area.

MR. SETALVAD : It is blocked on that side by the Phillaur Tehsil, Kapurthala, Jullundur and Zira. It will appear from the

[1] *Tehsil-wise income tax figures not available.*
[2] *Sales tax figures not available.*

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map that the contiguity of the Muslim majority areas is broken by the tracts extending right up to the river in three places. These are shown in the map in red, a small belt going up to the river. You will see from the map that the Muslim area is towards the north, close to the river and even that belt is broken into two places by red areas going up to the river. So far as I know that belt is connected with the non-Muslim majority areas. Here is an official map that shows the red belt that I have explained.

MR. JUSTICE DIN MUHAMMAD : Is the colouring also official?

MR. SETALVAD: The colouring is not official.

If I may give you the figures in regard to this tehsil—Land revenue: non-Muslims Rs. 1,55,734;...[1]

SIR MUHAMMAD ZAFRULLAH KHAN: It is time that the parties should know the result of the commission appointed by you. I understand that the calculations have been made and the figures have been checked, but there is some reluctance on the part of Mr. Bihari Lal to sign the result. I do not know why.

MR. SETALVAD : We will have the matter investigated.

MR. JUSTICE DIN MUHAMMAD : Actually the figures show that the Muslims are in excess by 4,999 in the Shakargarh Tehsil. Your nominees have declined to sign these statements.

MR.SETALVAD : We will have the matter investigated and see what the position is.

I was giving you the figures. Land revenue—Muslims: Rs. 1,35,339[2] and non-Muslims: Rs. 1,55,734. Income tax[3]—non-Muslims: Rs. 1,819-11-0[4], Muslims: Rs. 9-8-0[5]. Sales tax[6]—non-Muslims: Rs. 19,261, Muslims: Rs. 502.

(At this stage the Commission rose for lunch and re-assembled at 2.00 pm.)

SARDAR HARNAM SINGH : I have sent for *Tuzk-i-Jehangiri* and other original books. If Sir Zafrullah requires they can be read out.

SIR MUHAMMAD ZAFRULLAH KHAN : The passages may be

[1] *The official figure is Rs. 1,55,636.*
[2] *Official figures Rs. 1,33,840 and Rs. 1,55,636 respectively.*
[3] *Tehsil-wise income tax figures not available.*
[4] *Say Rs. 1,820.*
[5] *Say Rs. 10.*
[6] *Sales tax figures not available.*

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copied out before the Commission.

BAKHSHI SIR TEK CHAND : I suggest that it should be copied and placed on the record.

MR.JUSTICE DIN MUHAMMAD : You promised to let us know if the other Commissioners have signed the report.

MR. SETALVAD : To my mind those errors are of no consequence.

SIR MUHAMMAD ZAFRULLAH KHAN : If the figures of the trans-Ravi area are added up, then it becomes a Muslim majority area.

MR. JUSTICE TEJA SINGH : What about the second Commission?

SIR MUHAMMAD ZAFRULLAH KHAN : They went through the figures of two *zails* and finding that there was a Muslim majority, the two Commissioners on the other side said that they got tired and they went away on recess and whether they have returned or not I do not know.

Mr. SETALVAD : I gave you various taxation figures about Zira and I want to mention one more fact about Zira, Moga, Ferozepore and Jagraon Tehsils which are a part of the irrigation system of the inundation canal known as Grey Canal which takes off from the Sutlej. It passes through predominantly non-Muslim areas. That finishes my observation with regard to Zira Tehsil.

The next is Ferozepore Tehsil. The whole of this tehsil is not claimed but a part of it—Nathana—is separate from it. That tehsil consists of a portion which is not claimed by the Muslim League and that is called Nathana. Out of the area which has been claimed there is a substantial area which is non-Muslim as will appear from the map which you have before you. In it you will see portions marked red which contain Talwandi and so on and go right up to Ferozepore Town and the cantonment also. Apart from the substantial red portion, the area which is claimed to be non-Muslim, goes up to the river and is a non-Muslim majority area. That is marked from Ferozepore Town through which the railway line passes. The area is marked heavily by a red line. Those heavily-lined red areas are river-side non-Muslim areas. That area goes to the river and has contiguity with the non-Muslim area on the river side. Actually the population of this non-Muslim area which cuts up to the river in the Muslim majority area is as much as 1,01,466

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and that is the population of the heavily-marked red portion including Ferozepore Town and the red marked portion also includes the headworks of the Ferozepore Canal and the railway junction.

I will give figures in regard to land revenue and taxes.

FEROZEPORE TEHSIL

	Land Revenue[1]	*Income Tax*[2]	*Property Tax*[3] (Ferozepore City)	*Sales Tax*[4]
Non-Muslims	2,02,579	3,40,232	32,460	48,184
Muslims	1,02,532	22,155	7,423	1,235

Ferozepore Cantonment—non-Muslims are 23,671 and Muslims, 6,620[5]

Apart from that, Ferozepore is an educational centre which is predominantly non-Muslim. There are 3 non-Muslim Arts Colleges situated there. The railway lines from Fazilka, Muktsar, Moga, Bhatinda and Faridkot State, all converge to Ferozepore. It is a point of turn on the map. Therefore there is no warrant really for claiming this part and Ferozepore Tehsil which is really a non-Muslim majority area.

I next pass on the Fazilka. The portion of Fazilka is on the extreme left of the map. It is a small portion and does not even come to a *zail* or *kanungo* circle and not even to a thana. This small portion is not coloured either red or blue. It consists of a number of mixed villages 'red and green'. It is difficult to mark the difference in green or red and that is why it is not marked. The total area of the tehsil is 1,338 sq. miles and the area claimed is 236 sq. miles. The total population of the tehsil is 3,72,629, out of which the area claimed is 64,264, and the boundary of the portion claimed in Fazilka, cuts Bikaner Canal at five places, it also cuts the railway line from Fazilka to Muktsar. It really comes to this that some convenient villages have been grouped together

[1] *The land revenue figures supplied by the Deputy Commissioner, Ferozepore are:*

Non-Muslims	*Rs. 2,13,125*
Muslims	*Rs. 1,05,761*

[2] *Tehsil-wise official figures of income tax not available.*

[3] *Town-wise official figures of property tax not available.*

[4] *Official figures are non-Muslims 24,388 and Muslims 16,924.*

[5] *Official figures regarding sales tax not available.*

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out of this large area in the manner in which I proposed. I submit that there is no warrant for claiming this small bit of the tehsil in the manner in which it is claimed.

Muktsar is the next place. That is the place between Ferozepore and Fazilka. If one looks at the map, one finds the thick green boundary belonging to the same tehsil; the remaining area is all red. It goes down right up to near Bhatinda. The total population is 2,69,579 and the population of this tract is 1,08,060. The total area is 926 sq. miles, out of which the area claimed is 351 sq. miles.

Next in your map you will find Hoshiarpur on the right. Here again parts of tehsil are claimed. Even in that part which is claimed, you will find that majority areas are really isles and there is no contiguity.

Next is Dasuya. If you will look at the map you will find that the green line is the area claimed, which includes a good deal of red coloured area and, as in other parts, you find the predominant Muslim area is close to the river and not extending as far as the line claimed. It is much shorter. If you take the river side, it goes to a very narrow portion, indeed a Muslim majority area.

That brings us to further bits of small portions claimed which are in the Una and Garhshankar Tehsils, both being in the Hoshiarpur District. Out of Una Tehsil they claim 22 sq. miles out of a total area of 690 sq. miles. The population of the area that has been claimed is 3,822, the total being 2,80,798[1]. The next tehsil which I have mentioned together with this is Garhshankar. The area claimed is 70 sq. miles out of a total of 511 sq. miles. The population of the area claimed is 14,292 out of a total of 2,89,539. The figures given show little bits which are intended to be torn off from those tehsils.

As regards Phillaur the area claimed is 96 sq. miles out of a total of 289 sq. miles. The population of the area claimed is 48,726 out of a total of 2,19,369. Here again you find little bits which I have mentioned.

Then, I come to Ludhiana District. Some small areas out of the

[1] *2,83,798 according to the published census report.*
(Census of India, 1941, Vol. VI : Punjab—Tables (Delhi, 1941), p. 52.)

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two tehsils, Jagraon and Samrala, have been claimed. In Jagraon the area claimed is 78 sq. miles out of a total of 419 sq. miles and the population of the area claimed is 26,898 out of a total of 2,25,932. In Samrala Tehsil the area claimed is 70 sq. miles out of a total of 291 sq. miles. The population of the area claimed is 26,558 out of a total population of 1,56,056. In the Ludhiana Tehsil they claim 238 sq. miles out of 686 sq. miles and the population of the area claimed is 1,81,141 out of a total of 4,36,627.

Finally, an area claimed is from a part of Ambala District out of Rupar Tehsil. The area claimed is 150 sq. miles out of a total of 287 sq. miles and the population of the area claimed is 66,000 out of a total of 1,50,929. Out of this total the Muslim population is 34,000 which is 51.27%.

You will find from the Muslim League map that the Sirhind Canal which irrigates the districts of Ludhiana and Ferozepore has its headworks at Rupar and the Nangal Canal passes through an area claimed by the Muslim League. Apart from that consideration, there is one more point which I have mentioned more than once and that is that the railway goes in and comes out at more than half a dozen places if this is going to be the boundary. The device adopted to colour certain tehsils or parts of tehsils is really to take the total Muslim population and see how far it can go to cover up as large an area as possible. My learned friend levelled a charge against us that we had adopted that device but the truth lies the other way about. This is a convenient place for me to deal with what has been termed as the strategical map submitted on behalf of the Muslim League.

SIR MUHAMMAD ZAFRULLAH KHAN: If I am allowed to intervene, I shall make one thing clear. Sardar Harnam Singh submitted a map today in support of a claim but as I am getting no time, it will not be possible for me to reply to it. Had he submitted it in time I would have given my side of the case also so far as that map was concerned.

SARDAR HARNAM SINGH: I have not submitted any map today.

MR. JUSTICE DIN MUHAMMAD : It was submitted at the fag end of the day yesterday and it should be considered to have been put up today.

MR. SETALVAD: I hand in a statement which supports the

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map in regard to tehsils and parts of tehsils which I mentioned a short while ago; numbers of villages and population figures are given in the statement as well as in the map.

Before I refer to the strategic boundary map, I may just say one or two words in preface. It was not in any spirit of anticipation of warlike operations between the two dominions or the two future states that I brought up the subject of a strategic boundary. It was only as a matter of prudence in drawing up the frontier line between the two parts which may become international states that certain considerations had to be followed and it is in that spirit that I approached the question. But my learned friend in making his thesis has tried to depict on a map what would happen in a war between these two states, which may hereafter become separate international states. But my respectful submission is that I did not have that contingency in view. My learned friend has taken a sentence from the context and has based his theme on that. It is right that when you frame a boundary you may try to make a natural frontier, a river, a canal or a mountain, which reduces in the first instance the frontier disputes and in the case of an eventuality arising, it should form at least some defence to one side or the other. If boundaries between states, for example, were to be fixed on the basis which my friend has tried to adopt, many states would not exist at all in the map of Europe. Therefore my respectful submission is that it is altogether a wrong approach. The other comments made by my friend were about the resources of states in the event of war; that coal would be stopped and petrol would not be coming in. I submit that these are not the considerations which can weigh when you are demarcating a boundary.

Now with regard to the map which has actually been submitted, you find that their boundary line which has been drawn for the purpose of strategy departs from the actual line of the Muslim League claim. It includes a large area which is not included in the claim. It is done in order to round up more in consideration of strategic boundary. It is not only 40 miles that is visualized, it is 250 miles. A small state has to take the consequence of being a small state. I say this in no spirit of depreciation. Therefore your boundary has to be fixed with due regard to the size of your state. An ideal boundary from your point of view would be somewhere in the Gangetic plain so that your Pakistan would have no danger

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from Hindustan, but as I said, real consideration is what I mentioned a few moments before.

My friends have taken a great deal of trouble in preparing the map showing the battlefields where the battles were fought as far back as B. C. I submit that except making a very fine picture and refreshing our historical knowledge, this map leads us nowhere. Where a battle has to be fought depends upon the strength of the invading army, that is, how far it is able to penetrate and the strength of the defence forces. You find battles have gone as far as Bengal. I submit that the map of the battlefields does not assist in any manner the Commission. It is only a picturesque drawing.

I think the whole thing is entirely irrelevant. I raised the question of a natural frontier. As to where the battles take place is difficult to foretell. It must depend on the strength of the opposing force. The map which my friend has given shows no natural frontier at all. Taking the green line of their strategic map, neither there is any canal nor any hill side, nothing at all which really makes it a strategic frontier. It has one merit of advancing far towards the East, as mine perhaps of advancing far towards the West. But apart from that there is no merit in the map which they have given. The only reason which has been submitted is against Chenab being made the frontier. It has never been our submission that we should go to the Chenab on account of strategy. Our submission has only been that we must be beyond the Ravi in various tracts on the various grounds I have mentioned. Then having been beyond the Ravi over large tracts, the boundary fixed should be partly along the Chenab bearing other considerations in mind. We do not take the whole of the Chenab but go along a large canal which also, if you count it as a river, will be a good natural frontier. How we come to the Chenab is not based on strategic considerations—we do not merely jump at it—I have already made my submission. That finishes my observations with regard to this claim of a strategic frontier.

I will now go on—it is a matter which I do not wish to be left over in the pressure of time—to the red map, showing the area which we claim. Turning to that map and taking the area which runs along the Upper Bari Doab Canal right to the end of the Lahore District, one misconception which I wish to remove is this. The suggestion that the coloured area is based on the principle of

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design, as my learned friend describes it, of taking, say in Ambala District, certain tehsils and trying to spread over on both sides in so far as they cover the Muslim majority areas, is wrong. That is not the principle. If I may explain the principle, it is this. The portion coloured red has only a non-Muslim majority, taking it tehsil-wise if you please. Take the area coloured red in each tehsil and you will find a preponderating number or a majority of non-Muslims in each of the parts of that area.

SIR MUHAMMAD ZAFRULLAH KHAN : That is the scheme with regard to each tehsil.

MR. SETALVAD : I will deal with that also.

To illustrate what I am submitting, we begin at one end with Pathankot Tehsil. There is no dispute of that tehsil being a non-Muslim majority tehsil. Then we come to the next. I have already made my submissions as to this tehsil being claimed by the Muslims, or portions of it, on economic grounds, on the ground that the canal headworks are situated at Madhopur.

Now I go on to the Gurdaspur Tehsil. The scheme on which this map proceeds and which is a perfectly sound scheme is that if you take the tehsil, what we have is, so far as non-Muslim majority areas are concerned, a preponderance. Of Muslim majority are areas and mere pockets and they, you will find, are omitted from the red colour although they are only three pockets. If you take the figures which I gave you, the position is this that the total population of the tehsil is—Muslims 1,71,498 and non-Muslims 1,57,321. That gives an excess of Muslims of 14,177. Now out of this if you take the population in the three white pockets, you will find the Muslim population to be 44,919 and the non-Muslim population to be 20,224, giving an excess of Muslims in these three pockets of 24,695. Now if you look at these two figures, you find that if you exclude those pockets—because they are in fact pockets—then you get in the red area a non-Muslim area with a non-Muslim majority of 10,518. Now my submission is that the method adopted is, of course, perfectly in order. If you find in an area concentration of population of one community surrounded by areas in which the other community is in a majority, they become what I call 'pockets' and the area without them can still be described as a non-Muslim majority area. That is what has been done.

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MR. JUSTICE MUHAMMAD MUNIR : What is the minimum breadth of this area?

MR. SETALVAD : Taking the narrowest portion which I have taken, it is between 12 and 16 miles. That is the position with regard to it. If you once accept the submission that I have made that the method is correct, then the area described red in the tehsil of Gurdaspur is itself a non-Muslim majority area and has been correctly depicted as red. Whether you accept the principle or not is a matter for you to decide but I have described the principle and my submission is that it is a correct principle.

SIR MUHAMMAD ZAFRULLAH KHAN : If you include a small portion of white, it all becomes white.

MR. SETALVAD : But the whole point is how are you going to take the areas. Are you going to allow the three pockets to swamp a tehsil, regarding the tehsil as a single area, or are you going to take a particular part which may have a white area as a composite whole?

Going on to the next point, which is Batala, there you find again three white areas. I will give you the population figures of the whole tehsil[1], Muslims 2,09,277 and non-Muslims 1,77,776. The excess is 31,501 and here in this case I have taken the three pockets separately. The first one is Fatehgarh Churian—Muslims 18,055 and non-Muslims 4,641. Second is Batala Town and the neighbouring villages—Muslims 45,181, non-Muslims 14,664. The third spot is Qadian—Muslims 10,226 and non-Muslims 1,135. If we take all the three together, the total Muslims in all three are 73,462 and non-Muslims 22,227. And if I may give you now the total Muslim majority in the three areas, it is 51,235 and if you take the red area, the non-Muslim majority in the red area of the tehsil is 12,734.

SIR MUHAMMAD ZAFRULLAH KHAN : Do you claim the whole of the red including two whites or are you somehow linking the two whites with the rest of the Punjab?

MR. SETALVAD : All the whites in Gurdaspur as well as Batala.

[1] *The population figures of the Batala Tehsil according to the published census report (1941) are as follows :*

Muslims	*2,09,277*
Non-Muslims	*1,70,776*
Excess	*38,501*

(Ibid, pp. 60-61.)

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SIR MUHAMMAD ZAFRULLAH KHAN : If you include one white in this, the whole thing will become white.
MR. SETALVAD : If you take the area as a whole and do not stick again to the tehsil, the position is clear.
SIR MUHAMMAD ZAFRULLAH KHAN : You see red all over.
MR. SETALVAD : No. I see green all over.

The total population of Ajnala Tehsil is 2,37,049—Muslims 1,40,939, non-Muslims 96,110. The excess is 44,829. If you take the red area, then the position is—Muslims 50,554, non-Muslims 55,316. The excess of non-Muslims is 4,762.

I will not trouble you with details of Tarn Taran and Amritsar. The non-Muslim excess in Tarn Taran is 72,206. The Amritsar non-Muslims' excess—I am talking of tehsils in each case—is 71,109.

That leaves the Lahore District so far as the Upper Bari Doab is concerned. I now take Lahore Tehsil. Non-Muslims 3,37,117, Muslims 5,52,907. Excess of Muslims is 2,15,790. If you take the red colour area, the Muslims are 99,836, non-Muslims 1,06,541. Excess of non-Muslims is 6,705.

Take Kasur Tehsil. Taking the whole tehsil, the Muslims are 2,37,036, non-Muslims are 1,77,463. Muslim excess is 59,573. If you take the red area in the tehsil, the Muslims are 1,38,068, non-Muslims are 1,49,659 and the excess of non-Muslims is 11,591.

Take Chunian Tehsil[1] as a whole. Muslims are 2,37,829, non-Muslims 1,52,123; excess of Muslims is 85,706. Taking the red area, Muslims 86,423 and non-Muslims 87,523; excess is about 1,100.

SIR MUHAMMAD ZAFRULLAH KHAN : Here is a report about the two *zails*. The other side, I understand, refused to sign it. It relates to Karkan and Sangla Sialkoti.
MR. JUSTICE DIN MUHAMMAD : The complaint is that the non-Muslim enumerators refused to sign the report.
MR. SETALVAD : It shows the state of feeling in the province.

The population of the Chunian Tehsil, according to the printed census report (1941) is as follows :

Muslims	*2,37,829*
Non-Muslims	*1,53,023*
Excess of Muslims	*84,806*

(Ibid.)

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MR. JUSTICE DIN MUHAMMAD : Karkan and Sangla Sialkoti show a majority of Muslims.

SIR MUHAMMAD ZAFRULLAH KHAN : On every challenge our figures have been found to be correct.

MR. SETALVAD : In addition to the details I gave you, I have got a statement which I will not read but will hand over. I have an overall picture district-wise of the same area and also what I have stated is supported by village-wise figures and I am handing this statement over to the Commission. I will read a portion thereof. Take Gurdaspur District as a whole. Population of the red area is Muslims 3,09,921, non-Muslims are 3,62,147; total is 6,72,068. It is the total population of red area in Gurdaspur District. In Amritsar District the total population of Muslims is 5,67,310, non-Muslims are 7,15,387. The total is 12,82,697. Take Lahore District. Muslims are 3,24,327, non-Muslims 3,43,723; the total is 6,68,050. Taking all the three districts together, I give the grand totals. Total of Muslims is 12,01,558, the total of non-Muslims is 14,21,257 and the total of both for the three districts is 26,22,815. So the total population of the whole red tract running over these districts is 26,22,000. In the whole tract, non-Muslims are 2,19,699 in excess. You will see on the map that this area is extended further westward up to Montgomery and Vehari.

MR. JUSTICE DIN MUHAMMAD : The total population of these districts is more than 42 lakhs. This population is only of the red portion of these districts. What is the total Muslim population of the non-red portion which you carry away with you?

MR. SETALVAD: We will take out the total of the red from the rest of the population of the districts.

In Montgomery and Vehari taken together, the Muslims are 1,60,096 in the red portion and non-Muslims are 2,19,887, so that the total of both in that red portion will be 3,79,983.

MR. JUSTICE DIN MUHAMMAD : How many Muslims here you leave behind after taking away 1,60,096?

MR. SETALVAD : I will give you the figures of the non-red portions shortly.

The grand total of the whole red area is—Muslims 13,61,654, non-Muslims 16,41,144. The total population of this whole red tract comes to 30,02,789. I am handing over the summary supporting village-wise these figures. *(Statement submitted.)*

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There was some controversy about the Upper Bari tract. You will remember there is another map also, which of course shows a smaller area only irrigated by the Upper Bari. That smaller part is in Gurdaspur and then goes to Amritsar and then to Lahore District. It appears that there is some controversy over that red area being a non-Muslim majority area. In fact even this area which we call Upper Bari irrigated area, passing through all these three districts is a non-Muslim area. I will give you the grand total of population. There the Muslims are 10,46,418 and non-Muslims are 12,17,920 and the total is 22,64,338. The non-Muslim majority is about 1,70,000. I am handing over two copies of a statement[1] showing all the details with regard to these tracts.

Now I shall draw your attention to some maps in regard to this area which were handed over to you yesterday by the other side. Map No. 20 is headed as "Showing distribution of Muslim and non-Muslim majority villages in parts of the Bari and Rachna doabs and cis-Sutlej-Beas area". Having regard to the figures that I have given and which are supported by village-wise figures which I have handed over, this map is clearly inaccurate inasmuch as it does not show the yellow areas correctly. Evidently this is not village-wise as it pretends to be and this is borne out by the statements that I have submitted.

MR. JUSTICE DIN MUHAMMAD : This small map cannot be village-wise. Will you please hand it over to me?

MR. SETALVAD : Yes, sir. The heading is incorrect as you must have noticed.

SIR MUHAMMAD ZAFRULLAH KHAN : The figures for *zails* have been given in this map.

MR. JUSTICE DIN MUHAMMAD : Villages are not shown.

MR. SETALVAD : In the area irrigated by the Upper Bari Doab they have mentioned it as outer irrigation line and the figures given to you showed that in that area the Muslims are 51.55% and non-Muslims 48.45%. That being the position, if these statements were correct, then the statements that I have given in regard to the Upper Bari Doab area would be incorrect where I have shown that non-Muslims are in excess by 1,70,000. But I

[1] *Appendix XXX, infra.*

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submit that if this statement covers only the irrigated area, the figures given by the other party are incorrect.

SIR MUHAMMAD ZAFRULLAH KHAN : Appoint a commission and clear the point.

MR. SETALVAD : The position is that the figures that they have calculated include the city of Lahore which, of course, is not an irrigated area.

SIR MUHAMMAD ZAFRULLAH KHAN : Why not!

MR. SETALVAD : I will deal with it and show from the official records that the city of Lahore is not an irrigated area.

SIR MUHAMMAD ZAFRULLAH KHAN : They recover water rate from us for irrigating our gardens, etc.

MR. SETALVAD : The official records show that water was being supplied to the city of Lahore as a temporary measure from a canal distributary. I have in my hand a document proving my contention. These are the minutes of a meeting held in the Punjab Irrigation Secretariat, Lahore, on the 20th January 1944 to discuss a proposal to abandon the Lahore City Distributary. Item (1) was whether the Lahore City Distributary be closed entirely or in part. This is the decision :

> After the Hon. Minister for Public Works had invited the opinion of the officers of the different departments represented at the meeting, it was unanimously decided that the distributary be closed as early as possible. A part of it may be retained if considered necessary by the Irrigation Branch for irrigating the area in the upper part of the distributary.

SIR MUHAMMAD ZAFRULLAH KHAN : It obviously shows that it is an irrigated area.

MR. SETALVAD : But it is a branch of a canal.

MR. JUSTICE MUHAMMAD MUNIR : Part of the area is being irrigated by the canal. We know it for a fact. The civil area is still being irrigated.

MR. SETALVAD : Therefore that is the cause perhaps of the difference between the two statements, the one handed over by my friend and the other handed over by me, in regard to the irrigated area.

SIR MUHAMMAD ZAFRULLAH KHAN : Sir, my information is that the distributary has not been closed.

MR. JUSTICE DIN MUHAMMAD : Mr. Setalvad has only remark-

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ed that it was decided that it should be closed.

MR. SETALVAD : I did not suggest that it was actually closed.

Now I may deal with the important places which are in the tract which we have shown red. I may at this stage conveniently deal with Qadian, in respect of which a separate claim has been made. From the facts stated the position would appear to be that it is an active centre of a certain sect of Muslims who have got followers in various parts of this country as well as outside. We have no idea of the numbers of the following.

MR. JUSTICE DIN MUHAMMAD : Mr. Bashir Ahmad stated one million roughly.

MR. SETALVAD : But there is no record. They say whenever an annual function is held, about 50,000 people come to celebrate it. We have already, in giving figures, dealt with the population figures of Qadian. It is about 10,000 Muslims and about 1,200 non-Muslims. If the claim is sought to be supported on any ground other than the population basis, I submit, that the support which is sought to be is really of no substance. You cannot, my submission is, if you find any Muslim majority area isolated by the non-Muslim majority area, join it up by a corridor or something because of its alleged importance. I say that by reason of the fact that to merit such consideration at your hands, its importance has to be far greater than what has been indicated by facts and figures given before you. Even though it may be a pocket isolated from the Muslim majority areas, if you join it up with those areas, as I have submitted, the consequences which can arise are full of considerations far stronger than those put before you by the Qadian appeal.

The next place of importance which has been very strongly canvassed on either side is, of course, the city of Lahore. On that arises the population factor because that is the basis. On the population factor I have made my detailed submission before and I do not wish to repeat what I have already stated. I will deal very briefly with what has been stated on the other side. It has been said that notwithstanding the lapses which occurred in the census of Lahore, the figures of 1941 Census are reliable. Well, that, I say is flying in the face of the official records which describe it as a census which crashed. If, what is meant is that the figures which are substituted for the census are fairly accurate, I have already

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on the ground I have shown joined issue with that assertion.

Notwithstanding the report of Mr. Bryan which my friend has quoted, I say that the rationing figures are more recent and of greater importance. Now two considerations have been pointed out in regard to rationing figures by my friend on the other side. First, of course, is that the limits of the rationing area and the city limits do not correspond. If you take these figures excluding those areas, even then it does not make any appreciable difference.

MR. JUSTICE DIN MUHAMMAD : Rationing figures were incorrect figures as it may have been that wrong entries were given to obtain more food, as it has been found out in Delhi, Bombay and other places.

MR. SETALVAD : You can make allowance for this factor also but in the end you have got to take some figures . You have the census of 1941 which is acknowledged in the official documents to be no census at all. I have already read extracts to show that. I do not pretend for a moment that the rationing figures are perfect figures; they cannot be. The question for consideration is if you have to arrive at a solution of the factor as to what the population of Lahore is, then you have got 1941 data which is of the character I have described and the rationing figures. My submission is that rationing data is a better guide to the city's population than the figures of 1941 Census which was no census at all. Even if you add up the restaurant figures, they do not make any appreciable difference. They will add only 0.74%. So my submission is that so far as the population factor is concerned, that is the situation in regard to the city.

Then, my learned friend has mentioned, and rightly mentioned, a number of Muslim monuments and places of worship in the city of Lahore. I do not dispute the existence of those for a moment. The question for consideration is that in every district, in every town, in every area, the existence or the preponderance of certain interests is a fact which is causing complications. The existence of these places of worship is not in dispute but the question is which way the balance lies. That is really the question for your consideration and the submission about it was that on considerations of that preponderance the balance lies in favour of the non-Muslims so far as the city is concerned. When I have said that, I have done with the details of the city.

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Something may be said of a general consideration which has been put forward by my learned friend based on His Excellency's observations that property is no consideration at all. One has only to read—and I will not read it—what His Excellency has said to see that he was not referring to the question of property being considered as a factor. The answer which he has given makes it perfectly clear that what he was referring to was the question put to him, 'would landed property be the basis of the division?' His answer was that the British Government would not consider the ownership of landed property as the basis of the division. All that is claimed is that in considering 'other factors' the ownership of property should enter as a consideration.

A great deal has been said about the haves and have-nots and something has been said also about the exploitation of Muslims by non-Muslims or by Hindus. Mr. Casey, the Australian Minister and sometime Governor of Bengal, was cited as an authority for that proposition. Mr. Casey, Governor for a short while, I believe is notorious for his pro-Muslim tendencies and is no authority on this subject. If one wants an authority for the economic development of the country, he will find scores of books by acknowledged economists and economists of repute. All that those treatises show is that the non-Muslims, may be the Hindus, stepped in first in the paths of education and industry and naturally got a foothold and they are there. The Muslims, as the extract from Casey itself shows, started late in the race and are behind. That is not disputed. But why should a charge of exploitation be based on that? There is no substance for that absolutely. If it is asserted that the Muslims as a whole are economically backward, nobody can dispute that proposition, but if the proposition is that they are so by reason of the activities of non-Muslims, that is disputed or that the non-Muslims are what they are—richer—because they have exploited the Muslims, that question is disputed. All riches are acquired by the sweat and toil of the poor man, whether it be by the Hindu or whether it be by the Muslim. If that division is insisted on, nothing can be said—division between the rich and the poor. But the economic exploitation of the Muslim by the Hindu, that proposition has no foundation in economic books. The money-lender is there. He lends money as much to a Hindu debtor as to a Muslim debtor and takes his heavy interest and grabs the

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land whenever an opportunity arises. Hindu or Muslim, it makes no difference to him. That proposition which my learned friend has put forward has really no foundation in economy; it may have a value in political propaganda, with which we are not concerned.

I gave you in detail all the figures in regard to the first red tract in regard to Gurdaspur, Lahore, etc. I have not given you the details orally of the second red tract which goes up. I have got the whole statement[1] ready and I am handing it over, incorporating the commissioners' findings.

That Sheikhupura map which relates to this district to which you referred a little while ago, the map with the dots which was handed up by the other side. The object of handing over the map was to show the village-wise distribution of non-Muslim population and to mark out the tract in which green dots preponderated and not the red ones and therefore the district was a non-Muslim majority area. In fact the lines which have been drawn corresponding to our red area are not correct. Apart from the fact that there are some villages without any data, the lines do not correspond to our red tract.

MR. JUSTICE DIN MUHAMMAD : What is the difference? Will you mark it out?

MR. SETALVAD : A great deal of time has been taken up between my learned friend on the other side and Mr. Harnam Singh in the controversy about what were the historical factors in regard to certain Sikh Gurus and as to what were the real reasons which induced the present disturbances in the Punjab and which turned this Commission into a court of historical research and a court for investigating the causes of the recent disturbances. But my submission is that the whole question is entirely irrelevant to the issues before us. What is relevant to the issues before you is the apprehensions which may exist rightly or wrongly in the minds of the non-Muslims. In this connection, I may make a few observations and very very briefly without at the same time injuring the feelings of anyone. What I am saying is that throughout the history of Muslim rule in this country beginning from the earlier times right up to the modern times, the non-Muslim has been denied, on the ground that he is a non-believer, the rights of a

[1] *Appendix XXXI, infra.*

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citizen. The Muslim cult, I do not know its details, it may be true or not but the fact is that the Muslim cult says to the non-Muslims that unless you become Muslim you are not within the fold and unless you come within the fold of my democracy, my religion, and religious practice, I shall compel you to become a believer and if you do not become a believer, I will not respect your places of worship or property or person or honour.

MR. JUSTICE DIN MUHAMMAD : But as a Muslim I assure you that that is not in the Quran.

MR. SETALVAD : But we have been told that that is not Islam. The fact is that that has been the dominating character of the Muslim ruler after ruler over a long time. One has only to turn to the books of history to discover the truth of this. The recent demonstrations show that the Muslim cult is still the same. There is no respect for life and property of the non-believers and you find this in disturbance after disturbance, here and at other places.

SIR MUHAMMAD ZAFRULLAH KHAN : At Bihar and other places?

MR. SETALVAD : But these were replies to other happenings. I do not want to enter into the history of it. The point is this that they have not dispelled the apprehensions in the non-Muslims' mind as to what is to happen under a government which is to be run according to Muslim notions. I submit that these apprehensions are justified by the lessons of history and the recent disturbances and it is that apprehension alone which is relevant and nothing more. These apprehensions are not removed by mere statements. I am sure the state of Pakistan will be as democratic as any other civilized state, but it will take some time and the apprehensions in the meanwhile will continue. And it is these apprehensions that really resulted in the efflux from these parts to portions of the eastern part and which are really important for consideration and no other part is really relevant.

With these observations I have accomplished my task. The task of the advocate is very easy, the task of the judges is far more difficult and the real part of your task has now commenced. I hope and pray and join with my learned friend in the hope that the decision which you will take will be just inasmuch as it would give satisfaction to the various conflicting interests in this province. I am obliged to you for the uniform courtesy throughout

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the hearing.

CONCLUDING REMARKS BY JUSTICE DIN MUHAMMAD

MR. JUSTICE DIN MUHAMMAD : Ladies and Gentlemen, this brings us to the close of these proceedings but before you disperse let me, on behalf of my colleagues and myself, thank you one and all for the peaceful manner in which these proceedings have gone on all these days. Although the atmosphere outside was charged with bitterness, we encountered in this room nothing but smiles. We also thank the senior counsel for the vast mass of information which has been placed before us. No doubt, as has been pointed out by Mr. Setalvad, the task of the counsel is finished but our task will still continue and again on behalf of my colleagues and myself, I assure you that no aspect of the case stressed by the parties will be left unconsidered and untouched by us, both during our discussions between ourselves and in our discussions with the Chairman. I thank you once again.

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APPENDIX I

(Presented by Sardar Harnam Singh, Counsel for the Sikhs to the Commission on 24 July 1947; see p. 171, supra, footnote 2.)

STATEMENTS[1] SHOWING THE LAND, LAND REVENUE, POPULATION, LEGISLATIVE ASSEMBLY VOTERS, DISTRICT BOARD VOTERS, ETC., COMMUNITY-WISE OF THE NON-MUSLIM MAJORITY AREA ON THE NORTH OF RIVER RAVI

This area comprises certain villages of the Pathankot and Gurdaspur tehsils and the whole of the Shakargarh tehsil of the Gurdaspur District and certain villages of the Narowal and Pasrur tehsils of the Sialkot District, and is a contiguous whole bounded on the North by the Jammu State territory, on the East by the Pathankot tehsil, on the South by Gurdaspur and Amritsar Districts and on the West by the Pasrur tehsil of Sialkot District and Shahdara tehsil of Sheikhupura District. The famous and the most important historic Sikh gurdwara, Shri Kartarpur Sahib, the Medina of the Sikhs, and Gurdwara Nonar are situated in this area. The attached map in which the non-Muslim majority area is marked by red line will explain the position of this area.

[1] *Tables I to VI, pp. 540-45, infra.*

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TABLE I

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

TOTAL FIGURES SHOWING THE PATHANKOT, GURDASPUR, SHAKARGARH TEHSILS, VILLAGES OF THE GURDASPUR DISTRICT AND THE NAROWAL TEHSIL AND PASRUR TEHSIL AND VILLAGES OF THE SIALKOT DISTRICT, WHICH FORM COMPACT NON-MUSLIM AREA ON THE NORTH OF RIVER RAVI

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	2,03,348	3,63,820	5,67,168	
	Difference	−1,60,472	+1,60,472		
	Percentage	35.87	64.13		
2	Land Revenue (Rupees)	3,20,151	5,58,777	8,78,928	
	Difference	−2,38,619	+2,38,619		
	Percentage	36.42	63.58		
3	Population—vide 1941 Census Registers village details	2,74,213	2,82,205	5,56,418	
	Difference	−7,992	+7,992		
	Percentage	49.28	50.72		

The details are given in the following pages.

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TABLE II

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

NAROWAL TEHSIL, SIALKOT DISTRICT

Name and extent—Narowal Tehsil excluding village *Hadbast* Nos. 1-13, 24-32, 58, 59, 60, 65-73, 75, 86-96, 98, 165-170, 179-187, 276-278, 450, 462-472, 484, 485, 493-505, 507-519.

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	64,860	1,28,164	1,93,024	Out of the non-Muslim owned land Sikhs own 98,512 acres and non-Sikhs own 29,652 acres.
	Difference	−63,304	+63,304		The figures are taken from the official records supplied to the Boundary Commission.
2	Land Revenue (Rupees)	1,13,222	2,11,856	3,25,078	Out of the revenue paid by non-Muslims the Sikhs pay Rs. 1,66,392 and non-Sikhs Rs. 45,464.
	Difference	−1,98,634	+1,98,634		The figures are taken from the official records supplied to the Boundary Commission.
3	Population vide 1941 Census Registers village details	1,03,505	1,07,286	2,10,791	The total of Narowal Tehsil population figures 1941 Census as given in the official report is wrong. The figures as shown therein are : Muslims 1,46,982 Non-Muslims 1,20,611 while on actual retotalling the census registers village details figures come to : Muslims 1,44,994 Non-Muslims 1,22,514 The figures shown in this statement are taken by actual retotalling the 1941 Census Registers per village details.
	Difference	−3,781	+3,781		
4	Punjab Legislative Voters	11,551	20,358	31,909	
	Difference	−8,807	+8,807		
5	District Board Voters	6,855	11,360	18,215	
	Difference	−4,505	+4,505		

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TABLE III

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

PASRUR TEHSIL, SIALKOT DISTRICT

Name and extent—Pasrur Tehsil, Village *Hadbast* Nos. 327-362, 364, 365, 370, 371, 381, 398-404, 409-413

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	7,052	15,116	22,168	The figures are taken from the official information supplied by the District Authorities for the Boundary Commission.
	Difference	−8,064	+8,064		
2	Land Revenue (Rupees)	11,130	25,018	36,148	Ditto.
	Difference	−13,888	+13,888		
3	Population vide 1941 Census Registers village details	11,963	12,697	24,660	The figures are taken by actual retotalling the official 1941 Census Registers village details.
	Difference	−734	+734		
4	Punjab Legislative Assembly Voters	1,219	2,918	4,137	
	Difference	−1,699	+1,699		

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TABLE IV

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

Name and extent of *Ilaqa*—Pathankot Tehsil north of River Ravi, village *Hadbast* Nos. 1-62, 65-90, 95-97, 120-123

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	9,256	32,667	41,923	The figures are taken from the official information supplied by the District Authorities for the Boundary Commission.
	Difference	–23,411	+23,411		
2	Land Revenue (Rupees)	13,825	60,436	74,261	Ditto.
	Difference	–46,611	+46,611		
3	Population vide 1941 Census Registers village details	10,859	16,039	26,898	The figures are taken by actual retotalling 1941 Census Registers village details.
	Difference	–5,180	+5,180		

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TABLE V

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

Name and extent of *Ilaqa*—Gurdaspur Tehsil village *Hadbast* Nos. 6-17, 19-21 north of River Ravi

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	1,477	3,085	4,562	The figures are taken from the official information supplied by the District Authorities for the Boundary Commission.
	Difference	−1,608	+1,608		
2	Land Revenue (Rupees)	2,451	3,464	5,915	Ditto.
	Difference	−1,013	+1,013		
3	Population vide 1941 Census Registers village details	1,037	951	1,988	The figures are taken by actual retotalling 1941 Census Register village details.
	Difference	+86	−86		

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TABLE VI

(Produced by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 24 July 1947)

Name and extent of the *Ilaqa*—SHAKARGARH TESHIL, GURDASPUR DISTRICT

		Muslims	*Non-Muslims*	*Total*	*Remarks*
1	Land in acres	1,20,703	1,84,788	3,05,491	The figures are taken from the official information supplied by the District Authorities for the Boundary Commission.
	Difference	−64,085	+64,085		
	Percentage	39.51	60.49		
2	Land Revenue (Rupees)	1,79,523	2,57,996	4,37,519	Ditto.
	Difference	−78,473	+78,473		
	Percentage	41.05	58.95		
3	Population vide 1941 Census Register village details	1,46,849	1,45,232	2,92,081	The totals of this Tehsil population figures as shown in the Government printed report 1941 Census is wrong. The figures as shown therein are : Muslims 1,49,600 Non-Muslims 1,41,905 The Census figures as shown in this statement are taken by retotalling the 1941 Census Registers village detail.
	Difference	+1,617	−1,617		
	Percentage	50.27	49.73		

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APPENDIX II

(Presented by Mr. M. C. Setalvad, Counsel for the Indian National Congress before the Commission on 25 July 1947, pp. 212, 215, supra, footnote 3.)

NOTE EXPLAINING THE PLAN

In the Lyallpur, Jaranwala, Samundri and Toba Tek Singh Tehsils there is a big belt covering almost the whole of Lyallpur, two-thirds of Jaranwala and portions of other tehsils wherein the non-Muslims are in the majority of 1,50,959, the exact population being:

Muslims	2,33,555
Non-Muslims	3,84,424

In the Sheikhupura, Nankana and Shahdara Tehsils of the Sheikhupura district there is a similar belt connecting Lyallpur with the Sialkot district and in this belt also the non-Muslims form majority, the Muslims being 2,34,000 while the non-Muslims are 2,37,000.

In the Gujranwala tehsil there are two small bits adjoining the Sheikhupura tehsil in which the Muslims are 31,000 while the non-Muslims are 51,000.

In the Sialkot district in the portions of Narowal, Pasrur and Sialkot tehsils as shown on the map the non-Muslims are in a majority of 38,721, the total figures being :

Muslims	2,29,505
Non-Muslims	2,68,266

In the Trans-Ravi portion of the Gurdaspur district, i.e.Shakargarh tehsil, parts of Gurdaspur and Pathankot tehsils non-Muslims are again in a majority of 3,477, the actual population being:

Muslims	1,58,745
Non-Muslims	1,62,222

There is, however, another tract joining the tracts in the Gujranwala and the Sialkot districts. In the Gujranwala district the area which will thus be formed will have a non-Muslim majority, of 13,000 the total population being :

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Muslims	about 49,000
Non-Muslims	about 62,000

In the Sialkot district the population will be

Muslims	about 2,43,500
Non-Muslims	about 2,80,000

giving a majority to the non-Muslims of 36,500.

The total area of the above mentioned tract extending from Toba Tek Singh to Chak Andhra (Pathankot tehsil) will be nearly 4,700 sq. miles and the population will be 20,47,446; the Muslims being 9,18,800 and non-Muslims 11,25,646. The non-Muslims will thus have a majority of 2,06,846.

(B)

In the Gurdaspur district, east of river Ravi, the non-Muslims are in a majority of about 32,000 in the area shown in red. The Muslims in this district are in a majority in the urban area of Batala, Qadian and the tract around Fatehgarh Churian as shown on the plan.

In the Amritsar District the non-Muslims in the area shown red, which excludes parts of Ajnala tehsil bordering the river Ravi (outside the Upper Bari Doab Canal boundary) are in a majority of 1,39,178, the Muslims being 5,67,289 and the non-Muslims 7,15,467.

In the Lahore district in the area shown red, which is mainly the area irrigated by the Upper Bari Doab Canal the Muslims are about 3,30,000 while the non-Muslims are about 3,33,000.

In the Montgomery district, in the tract marked red the non-Muslims are 2,00,497 while the Muslims are 1,54,468.

In the adjoining area of the Vihari tehsil there is a non-Muslim majority of about 15,000. In this tract with an area of 5,200 sq. miles therefore the non-Muslims are in a majority of 2,35,207.

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APPENDIX III

(Presented by Sardar Harnam Singh, Counsel for the Sikhs before the Commission on 28 July 1947; see p. 305, supra.)

LIST OF IMPORTANT GURDWARAS

S.No.	Name of Gurdwara	Place
	LAHORE DISTRICT	
	Lahore Tehsil	
1	Janam Asthan Guru Ram Das	Lahore City.
2	Dehra Sahib	,,
3	Baoli Sahib	,,
4	Pehli Padshahi	,,
5	Chhevin[1] Padshahi (Chomala Sahib)	,,
6	Chhevin Padshahi (Mozang)	,,
7	Chhevin Padshahi (Guru Mangat)	,,
8	Chhevin Padshahi (Amar Sidhu)	,,
9	Shahid Ganj Singhanian	,,
10	Chhevin Padshahi	Hudiara
11	Chhevin Padshahi	Padhana
12	Pehli Padshahi	Manga
13	Dera Pehli Padshahi	Dera Chahil
	Chunian Tehsil	
14	Pehli Padshahi	Manganpur[2]
15	Panjvin[3] Padshahi	Jambar Kalan
16	Gurdwara Sangat Sahib	Mian-ki-Maur
	AMRITSAR DISTRICT	
	Amritsar Tehsil	
17	Harimandar Sahib	Amritsar
18	Akal Takhat	,,
19	Baba Attal	,,
20	Guru-ka-Mehal	,,
21	Janam Asthan	Badali

[1] Chhevin, *meaning the sixth.*

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S.No.	Name of Gurdwara	Place
	Tarn Taran Tehsil	
22	Darbar Sahib	Tarn Taran
23	Darbar Sahib	Khadur Sahib
24	Baoli Sahib	Goind Wal
	Ajnala Tehsil	
25	Guru Ka Bagh	Ghukewali
26	Ram Dass	Ramdas
	GURDASPUR DISTRICT	
	Batala Tehsil	
27	Dehra Sahib	Batala
28	Darbar Sahib (Dehra Baba Nanak)	Dehra Baba Nanak
29	Damdama Sahib	Sri Gobind Pura
	Gurdaspur Tehsil	
30	Burj Sahib	Fateh Nangal
31	Jhulna Mehal	Gurdaspur
	Shakargarh Tehsil	
32	Kartarpur Sahib	Dode
	SIALKOT DISTRICT	
	Sialkot Tehsil	
33	Babe-di-ber	Sialkot City
34	Baoli Sahib	,,
35	Guru Sar (Tahli Sahib)	Saleh Pur
	Daska Tehsil	
36	Darbar Sahib (Guru Har Rai)	Galotian
37	Gurdwara Pehli Padshahi	Sihioke
	GUJRANWALA DISTRICT	
	Gujranwala Tehsil	
38	Rohri Sahib	Eminabad
39	Chakki Sar	,,
40	Gurdwara Mattu Bhai Ke	Mattu Bhai Ke
	Wazirabad Tehsil	
41	Kotha Guru	Wazirabad

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S.No.	Name of Gurdwara	Place
	Hafizabad Tehsil	
42	Gurdwara Bache Nau	Bache Nau
43	Chhevin[1] Padshahi	Hafizabad
	SHEIKHUPURA DISTRICT	
	Sheikhupura Tehsil	
44	Sacha Sauda	Chuharkana
	Nankana Sahib Tehsil	
45	Janam Asthan Darbar Sahib	Nankana Sahib
46	Bal Lila	,,
47	Kiara Sahib	,,
48	Manji Sahib	,,
49	Tamboo Sahib	,,
50	Chhevin Padshahi	,,
51	Chhevin Padshahi	Hafat Madar
52	Gurdwara Panjvin Padshahi	Jatri
	GUJRAT DISTRICT	
	Gujrat Tehsil	
53	Chhevin Padshahi	Gujrat
54	Bhai Banno Ji	Mangat
55	Kehar Bawa Wali	
	JHELUM DISTRICT	
56	Choha Sahib	Rohtas
	MONTGOMERY DISTRICT	
	Pakpattan Tehsil	
57	Gurdwara Nanak Sar	Nanak Sar
	Dipalpur Tehsil	
58	Gurdwara Pehli Padshahi	Dipalpur
	Okara Tehsil	
59	Nankana Jagir	Nankana Jagir

[1] *See footnote 1, p. 548, supra.*

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S.No.	Name of Gurdwara	Place
	FEROZEPORE DISTRICT	
	Ferozepore Tehsil	
60	Guru Sar	Bazid Pur
	Zira Tehsil	
61	Chhevin[1] Padshahi	Thatha
	Muktsar Tehsil	
62	Darbar Sahib	Muktsar
	JULLUNDUR DISTRICT	
	Jullundur Tehsil	
63	Thamji Sahib	Kartarpur
	HOSHIARPUR DISTRICT	
	Dasuya Tehsil	
64	Garna Sahib	Bodlan
	Una Tehsil	
65	Anandpur Sahib	Anandpur
66	Kiratpur Sahib	Kiratpur
	Samrala Tehsil	
67	Machhiwara Sahib	
	Ropar Tehsil	
68	Chamkaur Sahib	
	ATTOCK DISTRICT	
69	Hasan Abdal (Punja Sahib)	Hasan Abdal
	RAWALPINDI DISTRICT	
70	Chhevin Padshahi	Narali
	SARGODHA DISTRICT	
71	Guru Sar	

Sd. Harnam Singh
Advocate
28-7-1947

[1] *See footnote 1, p. 548.*

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APPENDIX IV

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

STATEMENT SHOWING POPULATION AND AREAS OF PARTS OF TEHSILS CLAIMED BY THE MUSLIM LEAGUE IN ITS MEMORANDUM

	Name of tehsil of which it is a part	*Area (Sq. Miles)*	*POPULATION*					
			Total	*Muslims*	*Hindus*	*Sikhs*	*Scheduled Castes*	*Christians and Others*
1	Fazilka	236	64,264	48,275	4,111	8,966	2,447	465
			100%	75.12%	6.40%	13.95%	3.81%	0.72%
2	Muktsar	351	1,08,060	71,922	12,357	21,141	1,933	707
			100%	66.56%	11.44%	19.56%	1.79%	0.65%
3	Jagraon	78	26,898	18,647	1,445	5,534	1,206	68
			100%	69.32%	5.37%	20.57%	4.49%	0.25%
4	Ludhiana	238	1,81,141	1,24,905	35,380	9,323	9,971	1,562
			100%	68.95%	19.53%	5.15%	5.51%	0.86%
5	Samrala	70	26,558	18,746	3,354	2,503	1,908	47
			100%	70.59%	12.63%	9.43%	7.18%	0.17%
6	Nawan Shehr	120	67,085	33,939	13,196	11,106	8,822	22
			100%	50.59%	19.67%	16.56%	13.15%	0.03%
7	Phillaur	96	48,726	32,762	5,457	5,070	5,348	89
			100%	67.24%	11.20%	10.40%	10.98%	0.18%
8	Rupar	150	66,968	34,335	10,493	15,817	5,303	1,020
			100%	51.27%	15.67%	23.62%	7.92%	1.32%
9	Una	22	3,822	2,103	982	167	565	–
			100%	55.02%	25.83%	4.37%	14.78%	0.0%
10	Garhshankar	70	14,292	8,162	2,526	1,193	2,293	118
			100%	57.11%	17.67%	8.35%	16.04%	0.83%
11	Hoshiarpur	291	2,33,022	1,22,094	37,794	36,397	35,203	1,534
			100%	52.40%	16.22%	15.62	15.10%	0.06%
12	Dasuya	299	2,12,042	1,23,272	27,741	34,480	21,495	5,054
			100%	58.14%	13.08%	16.26%	10.14%	2.38%
13	Pathankot	174	1,10,774	50,284	47,663	5,873	4,748	2,206
			100%	45.39%	43.07%	5.26%	4.29%	1.99%
14	Thana Majithia which falls in Amritsar Tehsil	–	61,701	32,028	4,389	21,197	1,543	2,544

[1] *See p. 305.*

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APPENDIX V

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE AND AREA IN FEROZEPUR JHIRKA AND NUH TEHSILS

					Area in Sq.miles	
	Ferozepur Jhirka Tehsil				314	
	Nuh Tehsil				401	
	[Total]				715	
	Total population	*Muslims*	*Sikhs*	*Scheduled Castes and Ad-Dharmis*	*Hindus*	*Christians and others*
Ferozepur Jhirka Tehsil	1,23,743	97,500	14	11,855	13,922	452
Nuh Tehsil	1,47,649	85,462	12	16,425	45,445	305
Total	2,71,392	1,82,962	26	28,280	59,367	757
		67.42%		10.42%	21.88%	0.28%

DISTRIBUTION OF POPULATION COMMUNITY-WISE AND AREA IN NUH TEHSIL[2]

				Area in Sq. miles	
Nuh Tehsil				401	
Total population	*Muslims*	*Sikhs*	*Scheduled Castes and Ad-Dharmis*	*Hindus*	*Christians and Others*
1,47,649	85,462	12	16,425	45,445	305
	57.88%	.01%	11.12%	30.78%	.21%

[1] *See p. 306.*

[2] *Percentages have been added in this part; otherwise the information regarding Nuh tehsil given in the earlier part has been repeated.*

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APPENDIX VI

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN AMRITSAR AND TARN TARAN TEHSILS

Tehsil	*Total population*	*Muslims*	*Sikhs*	*Scheduled Castes and Ad-Dharmis*	*Hindus*	*Christians and others*
Amritsar Tehsil	7,89,159	3,59,025	2,43,297	14,394	1,61,377	11,066
Tarn Taran Tehsil	3,87,668	1,57,731	1,99,562	6,110	20,135	4,130
Total	11,76,827	5,16,756	4,42,859	20,504	1,81,512	15,196
Percentage	100%	43.91%	37.63%	1.74%	15.43%	1.29%

[1] *See p. 306.*

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APPENDIX VII

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE OF KAPURTHALA STATE MAIN BLOCK

Name of tract	*Total population*	*Muslims*	*Sikhs*	*Scheduled Castes*	*Hindus*	*Christians and others*
Kapurthala Tehsil	1,30,528	76,614	29,715	8,939	14,646	614
	100%	58.70%	22.76%	6.85%	11.22%	0.47%
Sultanpur Tehsil	84,462	55,909	18,186	5,113	4,937	317
	100%	66.19%	21.53%	6.06%	5.85%	0.38%
Bholath Tehsil	73,055	53,281	11,327	3,591	3,642	1,214
	100%	72.93%	15.50%	4.92%	4.99%	1.66%
Total Kapurthala Main Block	2,88,045	1,85,804	59,228	17,643	23,225	2,145
Percentage	100%	64.51%	20.56%	6.13%	8.06%	0.74%

[1] *See p. 307.*

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APPENDIX VIII

(Presented by Sir Muhammed Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

TABLE SHOWING THE POPULATION IN THE DISPUTED REGION

Sr. No.		Total population	Muslims	Sikhs	Scheduled Castes and Ad-Dharmis	Hindu	Christians and others
1	Lahore Division minus Pathankot Tehsil	70,64,867	41,40,110	14,34,426	1,86,518	9,51,662	3,52,151
2	Montgomery District	13,29,103	9,18,564	1,75,064	43,456	1,67,510	24,509
3	Lyallpur District	13,96,305	8,77,518	2,62,737	68,122	1,35,937	51,991
4	Part of Pathankot claimed	1,32,739	55,351	7,453	8,493	59,103	2,339
5	Ferozepur Tehsil (whole)	2,90,286	1,60,371	70,782	11,163	42,357	5,613
6	Zira Tehsil (whole)	2,10,819	1,37,586	50,209	7,201	11,662	4,161
7	Jullundur District	11,27,190	5,09,804	2,98,741	1,54,431	1,56,579	7,635
8	Hoshiarpur District minus items 16 to 18 (as below)	8,23,736	3,38,434	1,70,263	1,20,101	1,87,676	7,252
9	Part of Fazilka Tehsil	1,25,119	70,970	13,315	7,471	32,534	829
10	Part of Muktsar Tehsil	1,08,060	71,922	21,141	1,933	12,357	707
11	Part of Moga Tehsil	76,618	20,131	40,740	1,084	13,989	674
12	Part of Jagraon Tehsil	1,20,120	45,976	38,264	5,390	12,013	477
13	Part of Ludhiana Tehsil	2,25,165	1,32,450	35,804	15,476	39,839	1,596
14	Part of Samrala Tehsil	26,545	17,246	4,031	1,769	3,448	51
15	Part of Rupar Tehsil	37,812	18,629	10,575	2,742	5,084	782
	Total	1,30,76,484	75,15,062	26,33,545	6,35,350	18,31,750	4,60,797
	Percentage	100%	57.47%	20.14%	4.86%	14.01%	3.52%
	DETAILS OF POPULATION COMMUNITY-WISE EXCLUDED FROM HOSHIARPUR DISTRICT IN ITEM 8 (AS ABOVE)						
16	Una Tehsil (whole)	2,83,798	35,085	24,858	34,050	1,89,787	18
17	Dasuya Tehsil (East of Siwalik)	47,395	5,287	2,305	6,045	33,755	3
18	Garhshankar Tehsil (East of Siwalik)	15,394	1,953	768	10,047	2,619	7
	Total	3,46,587	42,325	27,931	50,142	2,26,161	28

[1] *See footnote 1, p. 322.*

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APPENDIX IX

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

TEHSIL DASUYA

	Total	*Scheduled Castes*	*Hindus*	*Muslims*	*Sikhs*	*Christians*
Plains parallel and contiguous to Gurdaspur Tehsil	2,25,851	23,843	31,929	1,26,818	38,204	4,726
		10.61	14.17	56.24	16.9	2.09
Hilly area contiguous to District Kangra and Tehsil Una.	47,395	6,045	33,755	5,287	2,305	3
		12.8	71.2	11.1	4.9	
	2,73,246	29,888	65,684	1,32,105	40,509	4,729

[1] *See footnote 2, p. 323.*

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APPENDIX X

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 28 July 1947[1])

LIST[2] OF SHRINES AND MAUSOLEUMS FROM WHICH MARBLE AND OTHER PRECIOUS STONES WERE REMOVED BY SIKHS

Marble slabs and other precious stones were removed from the following shrines and mausoleums. Much of this material was used in the construction of the Golden Temple at Amritsar.

1	Tomb of Emperor Jahangir	(Kanayya Lal, pp. 321-22; Latif p. 107)
2	Tomb of Empress Nur Jahan	(Kanayya Lal, pp. 330-331; Latif, p. 109)
3	Tomb of Asaf Jah, brother of Nur Jahan and father-in-law of Emperor Shahjahan	(Kannaya Lal, pp. 328-29; Latif, p. 108)
4	Tombs of Governors of the Punjab in Begampura, a suburb of Lahore	(Payne, p. 94)
5	Tomb of Ali Mardan Khan, Governor of Lahore under Shahjahan	(Kannaya Lal, p. 258)
6	Tomb of Bahadur Khan, Governor of Lahore, under Aurangzeb	(Kannaya Lal, p. 261)
7	Tomb of Prince Parvez, son of Emperor Jahangir	(*Ibid.*, p. 273)
8	Tomb of Nawab Mian son of Nawab Saadullah Khan, Wazir of Shahjahan	(*Ibid.*, p. 276)
9	Tomb of Dai Anga	(*Ibid.*, p. 310)
10	Gulabi Bagh	(*Ibid.*, p. 310)
11	Tomb of Zebunnisa, daughter of Aurangzeb	(*Ibid.*, p. 314)

[1] *See p. 347.*
[2] *Number not given in the original list.*

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12	Tomb of Shah Rustam Ghazi in Nawan Kot	(*Ibid.*, p. 315)
13	Tomb of Mohammad Shah Kamboh, historian of Emperor Shahjahan	(*Ibid.*, p. 316)
14	Tomb of Anarkali, wife[1] of Emperor Jahangir	
15	Shalamar Gardens	(*Ibid.*, p. 355; Latif, p. 144)
16	The shrine of Shah Sharaf outside Bhati Gate. The mosque attached to it was destroyed.	(Kannaya Lal, p. 84 &229; Latif, p. 194)
17	The shrine of Data Ganj Bakhsh	(Kannaya Lal, p. 292)
18	The mausoleum of Sayid Ahmad Tokhta, father of Bibian-i-Pakdaman, in Mohalla Chihl Bibian was destroyed by Ranjit Singh and marble removed	(Kannaya Lal, p. 308)
19	The marble tomb of Gilani Sayyed in Takia Imli Wala, outside Lohari Gate	(*Ibid.*, p. 311)
20	The tomb of Mulla Shah, the spiritual leader of Prince Dara Shikoh, near the shrine of Mian Mir	(Latif, p. 178)

Latif in his *History of Lahore* (p. 109, footnote) quotes Fergusson's words that "half the splendour of the temple at Amritsar is due to the marble plundered from Nur Jahan's mausoleum". (Latif, p. 100; Kannaya Lal, pp. 330-31)

[1] *An obvious error.*

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APPENDIX XI

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 29 July 1947[1])

According to letter No. 485/RNG, dated 17/19-1-1945, from the Rationing Controller, Lahore, to the Additional Director of Civil Supplies (Rationing), the analysis of population in the Lahore rationed area was as follows:

		Percentage
Muslims	4,90,177	53.86
Hindus	3,09,118	33.97
Sikhs	91,571	10.07
Others	19,151	2.1
Total	9,10,017	

The above analysis does not indicate the correct community-wise distribution of population in the area of Lahore Corporation. The reasons are—

(a) 51 villages which are included in the Corporation area are outside the rationed area. These villages are predominantly Muslim, and if they are taken into account, the proportion of Muslim population within the Corporation area will go up considerably.

(b) There are a large number of Muslims, who do not get ration cards made, because they eat at the shops of *Nanbais* or *Tandoorwalas*. The table below gives units drawn by the various classes of food vendors.

	Muslims	*Non-Muslims*
Nan Makers	84,693	34,735
Tandoorwalas	1,10,462	60,303
Kulchawalas	98,531	9,917
Hotels	1,50,442	95,914
Bakers	1,38,818	78,500
Halvais	15,239	22,196
Milk Sellers	1,192	423
Orphanages	7,842	4,755
Police Kitchen	1,16,630	13,112
Total	7,23,849	3,19,855

[1] *See p. 375.*

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Assuming that 2 units are given for one person and that the above units represent weekly ration, the population that may be deduced from the above figures is—Muslims 51,703; non-Muslims 22,846. If these figures are taken into account, the ratio between Muslim and non-Muslim population will have to be adjusted still further.

(c) A large number of Muslims living within the rationed area own land, a source of supply of foodgrains within the Corporation area. Such persons do not, therefore, get ration cards made. An allowance must also be made for this class of population in computing the population for the Corporation area.

(d) The ration cards is a very inaccurate basis for computing population. Mr. Bryan in his note has estimated that the off-take of foodgrains is about 70% of what the cards would indicate. This obviously means that bogus cards are got made.

(e) There is a huge mass of Muslim railway labour, which is not computed in the rationed area, but which has its own ration system organised and run by the Railway. This railway labour, which is nearly all Muslim, must also be taken into account if a correct community-wise analysis is to be secured.

Apart from the railway labour, there has been a great influx of other labour, mostly Muslim, into the Lahore Corporation area, due to the extensive development of industries within the Lahore Corporation area. This labour will also swell the Muslim figure.

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APPENDIX XII

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 29 July 1947[1])

STATEMENT SHOWING ALLOTMENT ETC. OF COLONY LANDS COMMUNITY-WISE DISTRICT-WISE

District	Colony	Total area of colony land	Allotted area	Area allotted to					Culturable crown lands unallotted or under the control of local bodies or other Govt. Departments	Unculturable Crown land
				Hindus	Muslims	Sikhs	Scheduled Castes	Christians		
1 Lyallpur	(L. C. C. (D. C's control)	18,80,974	14,58,968	57,428	8,52,615	5,42,468	255	4,246 1,956	1,67,138	2,54,613
-do-	Extensions	1,71,304	95,716	1,748	78,340	15,442	75	111	20,863	39,425
2 Montgomery	L. B. D. C.	9,62,252	6,66,018	65,880	4,14,062	1,79,909	3,227	2,940	1,88,662	1,07,572
-do-	Nili Bar	5,28,349	3,31,092	51,376	2,21,123	58,127	17	449	1,01,475	28,698
3 Multan	L.B.D.C. (Khanewal)	5,56,530	4,53,740	81,140	2,60,048	1,02,325	3,294	6,933	54,680	48,110
-do-	Haveli Project	1,34,574	60,762	20,990	29,754	6,264	2,765	989	67,630	6,182
-do-	Nili Bar	7,16,409	3,24,952	46,794	2,22,200	55,049	602	307	2,77,368	69,768
4 Sheikhupura	L.C.C. & L.J.C.	3,57,565	2,75,011	24,606	1,23,711	1,23,429	–	3,265	34,980	47,574
5 Jhang	L.C.C. & L.J.C.	4,05,660	2,55,743	14,627	2,38,055	2,055	–	1,011	62,298	80,864
	Haveli	47,058	1,785	–	1,385	–	400	–	43,897	1,376
6 Shahpur	L. J. C.	5,59,594	3,45,891	13,946	2,76,641	54,725	–	579	49,235	61,434
7 Gujrat	U.J.C.,L.J.C.	49,125	29,985	466	22,880	6,639	–	–	2,486	3,012
Total		63,69,394	42,99,663	3,79,001	27,40,814	11,46,432	10,635	22,786	10,70,712	7,48,628
Percentage				9%	64%	26%	–			1%
				(8.81)	(63.75)	(26.66)	(.25)	(.53)[2]		

[1] *See p. 408.*

[2] *Figures in brackets are the exact percentages.*

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APPENDIX XIII

REPORT OF THE JOINT COMMISSION APPOINTED TO INVESTIGATE THE POPULATION FIGURES OF SHAKARGARH TEHSIL[1]

(BCP B File 66-Polit-Genl./1947)

I and Mr. Behari Lal Nanda Advocate, Gurdaspur, were appointed by the Boundary Commission to look into the census figures of Shakargarh tehsil, District Gurdaspur, and present actual figures of different communities appearing in Census Register of 1941. I beg to submit the following report.

Totals of the Census Register were checked page by page and summed up. These calculations give the following result :

	Muslims	*Non-Muslims*	*Total*
Actual figures found after calculations	1,48,457	1,43,458	2,91,915
Figures in the Census Register 1941	1,49,600	1,41,905	2,91,505

It is clear that Muslims exceed by 4,999 in Shakargarh Tehsil compared with all the non-Muslims.

Details of each page of the Census Register are given in the accompanying statement.

Sd. Behari Lal Nanda
Advocate

Sd. Sharif Hosain Khan
Advocate

31.7.47

Sd. Ghulam Yusaf

Sd. Abdur Rahim
3.8.47

May be circulated
Nawab Singh
3.8.47

[1] *See pp. 423, 435.*

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Enclosure to Appendix XIII

STATEMENT SHOWING TOTALS PAGE-WISE AS CALCULATED FROM THE CENSUS REGISTER TEHSIL SHAKARGARH, DISTRICT GURDASPUR

No. of page	*Muslims*	*Non-Muslims*	*Total*
1	1,126	6,249	7,375
2	3,235	9,082	12,317
3	4,862	4,283	9,145
4	4,025	4,000	8,025
5	3,739	5,793	9,532
6	7,312	4,115	11,427
7	5,576	6,531	12,107
8	4,256	5,219	9,475
9	5,322	8,933	14,255
10	10,133	5,981	16,114
11	10,514	1,774	12,288
12	7,682	8,224	15,906
13	7,065	3,565	10,630
14	5,166	4,117	9,283
15	4,274	4,664	8,938
16	4,789	5,140	9,929
17	2,499	6,371	8,870
18	3,399	4,926	8,325
19	5,128	3,458	8,586
20	3,955	4,156	8,111
21	5,342	4,192	9,534
22	5,517	3,531	9,048
23	5,654	7,821	13,475
24	5,913	3,485	9,398
25	4,263	4,038	8,301
26	6,092	5,293	11,385
27	5,655	3,062	8,717
28	2,593	4,148	6,741
29	3,371	1,307	4,678
[Total]	1,48,457	1,43,458	2,91,915

Sd. Sharif Hosain Khan
Advocate

Sd. Behari Lal Nanda
Advocate

Sd. Ghulam Yusaf

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NOTE ON APPENDIX XIII

Additional note by Mr. Ghulam Yusaf[1]

Subject : Checking of Census Register relating to Shakargarh Tehsil, District Gurdaspur

The following points may be noted in this connection :

(1) At page 22 against *Hadbast* No. 122 the figures 49 Hindu males have been overwritten and now the figures read as 59.
(2) At the same page against *H. B.* No. 123 under Scheduled Castes column 2 males and 2 females were originally written which subsequently appear to have been changed into 220 and 212 respectively. The inks are manifestly different.
(3) At the same page against *H. B.* No. 139 under column 'Muslim females' figures have been changed from 53 to 35.
(4) At page No. 7 against *H. B.* No. 619 the figures 449 under column 'Hindu females' appear to have been written afterwards. The ink is different.
(5) At page No. 10 against *H. B.* No. 252 the figures 235 and 221 under columns Hindus 'males and females' have been written afterwards. The ink is different.
(6) At page No. 14 against *H. B.* No. 284 the figure 73 has been overwritten and now reads as 83 under 'Hindu-Scheduled Caste' column.
(7) At page No. 17 *H. B.* No. 355, 2 Christians have been added afterwards. The ink is different.
(8) At page No. 20 against *H. B.* No. 267 under column 'Hindu-Scheduled Caste' figures 66 were originally written but subsequently had been erased and put under 'Hindus'.
(9) At page No. 23 against *H. B.* No. 687, there is a patent error in so far as in filling up the columns the figures have been misplaced. There were 28 Hindu males and 30 females but the figure 28 has been written under 'Hindu females' and the column Hindu males has been left blank. There were 126 Muslims males and 121 females, but the figure 30 relating to Hindu females has been written under column of Muslim males and the figure of 126 Muslim males has been written under the column of Muslim females. The figure 121 relating to Muslim females has been written in the next column which appears to

[1] *See p. 435.*

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be that of Sikh males. It is significant that there are no females shown in the column Sikhs.

The following will illustrate how the error has crept in :

	Hindus		*Muslims*		*Sikhs*	
	Males	Females	Males	Females	Males	Females
Correct	28	30	126	121	—	—
Present	—	28	30	126	121	—

(10) At page No. 25 *H. B.* No. 466, the figures 504 Muslim males and 427 Muslim females have been crossed and instead the figures 64 and 46 have been written. The entry in the total column appears to have been scratched and the entry has been made to correspond with the figures subsequently written.

Totals

It is found that the totals given in the register in many cases do not tally with the totals of the figures entered in the columns of the various communities. A statement showing the incorrect totals is appended hereto[1].

Sd. Ghulam Yusaf

Should be treated as unauthorised and filed as it is not signed by the non-Muslim member appointed by the Commission[2].

Sd. Nawab Singh
3.8.47

[1] *See p. 567, for the statement.*

[2] ***The note is being printed as it points out some obvious errors (e.g. para 9) and contains valuable factual information. It will be noted that the final observation by Mr. Nawab Singh is not signed by the other Secretary of the Board viz. Mr. Abdur Rahim.***

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Enclosure to Note on Appendix XIII

STATEMENT SHOWING DISCREPANCIES IN THE TOTALS OF CENSUS REGISTER RELATING TO TEHSIL SHAKARGARH, DISTRICT GURDASPUR

Page No.	*Hadbast No.*	*Totals of figures present in the register*	*Correct totals of figures community-wise*
5	138	538	536
6	594	865	765
8	164	346	355
8	169	646	647
8	170	236	238
10	210	840	870
10	217	908	903
10	241	1,133	933
10	253	699	739
12	723	278	280
12	731	843	943
13	746	252	253
13	202	107	103
14	227	1,634	1,615
14	231	457	467
14	239	1,602	1,612
15	299	1,607	1,612
17	266	198	268
20	418	762	815
20	275	308	408
21	439	749	867
21	442	1,202	1,222
22	652	489	479
22	662	1,248	1,247
23	665	47	50
23	682	303	199
25	490	530	440
26	493	3,506	3,436
26	510	466	463
27	532	253	251
29	571	341	339

Sd. Ghulam Yusaf

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APPENDIX XIV

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League, on 30 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN THE AREA OF UPPER BARI DOAB MINUS PART OF PATHANKOT NOT CLAIMED BY THE MUSLIM LEAGUE

	TABLE—30/1	*Total*	*Muslims*	*Sikhs*	*Scheduled Castes and Ad-Dharmis*	*Hindus*	*Others*
1	Lahore district	16,95,375	10,27,772	3,10,646	32,685	2,52,004	72,268
2	Amritsar district	14,13,876	6,57,695	5,10,845	22,704	1,94,727	27,905
3	Gurdaspur district	11,53,511	5,89,923	2,21,261	45,839	2,44,935	51,553
4	Total	42,62,762	22,75,390	10,42,752	1,01,228	6,91,666	1,51,726
5	Shakargarh tehsil	2,91,505	1,49,600	20,573	28,475	88,078	4,779
6	96 villages of Pathankot	21,147	8,897	888	750	10,541	71
7	12 villages of Gurdaspur	5,307	2,056	657	—	2,511	83
8	4 villages of Batala	1,868	1,242	393	52	71	110
9	Part of Pathankot not claimed by Muslim League	42,360	9,264	1,707	5,239	25,680	470
	Total	3,62,187	1,71,059	24,218	34,516	1,26,881	5,513
	Item 4 (as above)	42,62,762	22,75,390	10,42,752	1,01,228	6,91,666	1,51,726
	Minus						
	Item 10 (as above)	3,62,187	1,71,059	24,218	34,516	1,26,881	5,513
	Net Result	39,00,575	21,04,331	10,18,534	66,712	5,64,785	1,46,213
		100%	53.95%	26.11%	1.71%	14.48%	3.75%

[1] *See p. 438.*

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APPENDIX XV

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

DISTRIBUTION OF POPULATION IN AREA IRRIGATED BY UPPER BARI DOAB CANAL

	Name of area	*Total population*	*Muslims*	*Sikhs*	*Scheduled Castes*	*Hindus*	*Christians and others*
1	Pathankot tehsil	24,859	10,938	1,848	967	10,975	131
2	Gurdaspur tehsil	94,730	42,732	27,310	766	15,736	8,186
3	Batala tehsil	47,445	18,027	23,676	581	3,787	1,374
4	Amritsar tehsil	7,02,912	3,23,469	1,97,939	13,324	1,58,057	10,123
5	Ajnala tehsil	1,13,876	58,201	43,943	1,347	6,110	4,275
6	Tarn Taran tehsil	3,87,668	1,57,731	1,99,562	6,110	20,135	4,130
7	Lahore tehsil	8,63,995	5,33,071	99,208	5,418	1,87,028	39,270
8	Kasur tehsil	3,33,311	1,72,724	1,15,503	5,421	24,758	14,905
9	Chunian tehsil	2,17,747	1,19,690	54,955	12,198	21,557	9,347
	Total	27,86,543	14,36,583	7,63,944	46,132	4,48,143	91,741
	Percentage	100	51.55	27.42	1.66	16.08	3.29

[1] *See p. 438.*

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APPENDIX XVI

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

STATEMENT SHOWING GURDASPUR, AMRITSAR AND LAHORE WITHIN TWO RIVERS—RAVI & BEAS-CUM-SUTLEJ

District	*Total*	*Scheduled Castes*	*Hindus*	*Muslims*	*Sikhs*	*Others*
Gurdaspur less Shakargarh and Pathankot across the Ravi, less villages of Batala and Gurdaspur Tehsils across Ravi River	8,38,213	16,360	1,43,935	4,31,226	1,99,933	46,759
Amritsar	14,13,876	22,704	1,94,727	6,57,695	5,10,845	27,905
Lahore	16,95,375	32,685	2,52,004	10,27,772	3,10,646	72,268
Total	39,47,464	71,749	5,90,666	21,16,693	10,21,424	1,46,932
Percentage		1.82	14.96	53.62	25.88	3.72

[1] *See p. 438.*

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APPENDIX XVII

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN BARI DOAB

S. No.	Name of Area	Total Population	Muslims	Sikhs	Scheduled Castes	Hindus	Christians and others
1	Gurdaspur District	11,53,511	5,89,923	2,21,261	45,839	2,44,935	51,553
2	Amritsar District	14,13,876	6,57,695	5,10,845	22,704	1,94,727	27,905
3	Lahore District	16,95,375	10,27,772	3,10,646	32,685	2,52,004	72,268
4	Montgomery District	13,29,103	9,18,564	1,75,064	43,456	1,67,510	24,509
5	Multan District	14,84,333	11,57,911	61,628	24,530	2,25,342	14,922
	Total	70,76,198	43,51,865	12,79,444	1,69,214	10,84,518	1,91,157
6	96 villages of Pathankot	21,147	8,897	888	750	10,541	71
7	12 villages of Gurdaspur	5,307	2,056	657	–	2,511	83
8	4 villages of Batala	1,868	1,242	393	52	71	110
9	Shakargarh Tehsil	2,91,505	1,49,600	20,573	28,475	88,078	4,779
	Total	3,19,827	1,61,795	22,511	29,277	1,01,201	5,043
	Total of Items 1 to 5	70,76,198	43,51,865	12,79,444	1,69,214	10,84,518	1,91,157
	Minus total of items 6 to 9	3,19,827	1,61,796	22,511	29,277	1,01,201	5,043
	Net Result	67,56,371	41,90,070	12,56,933	1,39,937	9,83,317	1,86,114
		100 %	62.02 %	18.60 %	2.07 %	14.56 %	2.75 %

[1] *See p. 438.*

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APPENDIX

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the

STATEMENT SHOWING THE POSITION OF VARIOUS COMMUNITIES AREA HELD BY THEM AND BY THE TENANTS-AT-WILL IN

	Number of owners				*Number of occupancy tenants*			
	Muslims	Sikhs	Others	Total	Muslims	Sikhs	Others	Total
Gurdaspur District								
Batala Tehsil	34,166	30,438	4,752[1]	69,176[2]	8,423	4,072	916	13,411
Gurdaspur Tehsil	32,193	22,388	6,619[3]	61,200[4]	6,138	3,166	1,136	10,440
Pathankot Tehsil	5,815	1,647	11,400	18,952[5]	2,787	1,287	5,736	9,810
Shakargarh Tehsil	29,261	8,368	13,318[6]	50,947[7]	3,418	551	1,777	5,746
Total District	1,01,435	62,841	36,089	2,00,275	20,766	9,076	9,565	39,407
Amritsar District								
Ajnala Tehsil	26,553	19,972	2,730	49,255	9,020	2,524	1,772	13,316
Amritsar Tehsil	22,557	48,649	6,978	78,184	6,157	6,920	1,302	14,379
Tarn Taran Tehsil	13,287	56,207	4,039	73,533	5,564	5,724	1,180	12,468
Total District	62,397	1,24,828	13,747	2,00,972	20,741	15,168	4,254	40,163
Grand Total of both districts.	1,63,832	1,87,669	49,836	4,01,247	41,507	24,244	13,819	79,570

There are some variations in the figures of landowners of Gurdaspur district as under :

[1] *According to Deputy Commissioner's figure, it shall be 4,634*
[2] *According to Deputy Commissioner's figure, it shall be 69,238*
[3] *According to Deputy Commissioner's figure, it shall be 6,808*
[4] *According to Deputy Commissioner's figure, it shall be 61,389*
[5] *According to Deputy Commissioner's figure, it shall be 18,862*
[6] *According to Deputy Commissioner's figure, it shall be 13,157*
[7] *According to Deputy Commissioner's figure, it shall be 50,786*

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XVIII

Muslim League on 30 July 1947[1] *)*

IN REGARD TO NUMBER OF OWNERS, OCCUPANCY TENANTS, GURDASPUR AND AMRITSAR DISTRICTS

Area held by occupancy tenants				*Area held by tenants-at-will*			
Muslims	Sikhs	Others	Total	Muslims	Sikhs	Others	Total
10,267	6,920	1,158	18,345	66,494	42,654	6,398	1,15,546
11,836	6,452	2,017	20,305	61,039	32,413	12,885	1,06,337
4,372	2,037	11,932	18,341	29,909	5,610	41,698	77,217
3,351	919	3,145	7,415	57,426	10,684	32,808	1,00,918
29,826	16,328	18,252	64,406	2,14,868	91,361	93,789	4,00,018
7,769	2,706	1,247	11,722	58,893	37,980	4,579	1,01,452
7,705	10,234	2,028	19,967	54,283	70,021	7,347	1,31,651
12,930	9,743	1,402	24,076	1,02,810	1,07,367	7,844	2,18,021
28,404	22,683	4,677	55,764	2,15,986	2,15,368	19,770	4,51,124
58,230	39,011	22,929	1,20,170	4,30,854	3,06,729	1,13,559	8,51,142

[1] *See p. 439.*

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APPENDIX XIX

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

LAHORE TEHSIL

STATEMENT SHOWING AREA HELD BY OCCUPANCY TENANTS, AND TENANTS-AT-WILL IN LAHORE TEHSIL (COMMUNITY-WISE)

Area held by occupancy tenants

Muslims	6,600
Sikhs	6,479
Others	1,694
Total	14,773

Area held by tenants-at-will

Muslims	1,09,059
Sikhs	49,527
Hindus and others	11,066
Total	1,69,652

[1] *See p. 439.*

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APPENDIX XX

(Presented by Sir Muhammad Zafullah Khan, Counsel for the Muslim League on 30 July 1947[1])

GURDASPUR DISTRICT

(1) TABLE VII—Age, Sex & Civil Condition (by religion) (CENSUS OF INDIA, 1931, Vol. XVII: Punjab, Part II—Tables, p. 90.)
(2) SUBSIDIARY TABLE IX—Annual reported death-rate by sex and age in decade per milli living at same age according to the census of 1921 (CENSUS OF INDIA, 1931, Vol. XVII : Punjab, Part I—Report, p. 146.)

Religion and Age	*POPULATION*			*DEATH RATE (1930)*		*SURVIVING POPULATION*		
	Persons	*Males*	*Females*	*Males*	*Females*	*Persons*	*Males*	*Females*
ALL RELIGIONS	9,70,898	5,31,935	4,38,963					
0 – 1	39,619	20,075	19,544					
1 – 2	28,079	14,252	13,827					
2 – 3	31,163	15,669	15,494					
3 – 4	30,981	15,611	15,370					
4 – 5	29,620	15,323	14,297					
Total 0 – 5	1,59,462	80,930	78,532					
5 – 10	1,34,576	72,159	62,417	11	12		59,846	49,609
10 – 15	1,24,667	68,266	56,401	10	13		56,615	44,601
15 – 20	89,594	49,036	40,558	14	18		40,381	32,008
20 – 30	1,61,660	89,046	72,614	11	13		73,699	58,184
30 – 40	1,17,840	67,218	50,622	13	15		52,242	38,553
40 – 50	82,034	46,324	35,710	20	20		31,724	24,155
50 – 60	52,668	30,589	22,079	29	31		15,823	10,835
60 & over	48,397	28,367	20,030	59	64		10,722	6,951
						Total		6,05,948

[1] *See p. 440.*

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Religion and Age	POPULATION			DEATH RATE (1930)		SURVIVING POPULATION		
	Persons	Males	Females	Males	Females	Persons	Males	Females
MUSLIMS	4,93,216	2,68,771	2,24,445					
0 – 1	20,626	10,496	10,130					
1 – 2	14,561	7,365	7,196					
2 – 3	16,408	8,170	8,238					
3 – 4	16,327	8,167	8,160					
4 – 5	15,514	8,001	7,513					
Total 0 – 5	83,436	42,199	41,237					
5 – 10	70,594	37,694	32,900	11	12		31,259	26,148
10 – 15	65,180	35,438	29,742	10	13		29,391	23,518
15 – 20	46,253	25,065	21,188	14	18		20,644	16,809
20 – 30	82,318	45,308	37,010	11	13		37,622	29,676
30 – 40	57,856	33,028	24,828	13	15		25,767	18,901
40 – 50	39,593	22,291	17,302	20	20		15,266	11,706
50 – 60	24,976	14,319	10,657	29	31		7,600	5,403
60 & over	23,010	13,429	9,581	59	64		5,086	3,338
						Total		3,08,134

Total	6,05,948	
Muslims	3,08,134	= 50.9%
Non-Muslims	2,97,814	= 49.1%
Therefore excess of Muslim adults over non-Muslim adults	10,320	

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APPENDIX XXI

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

GURDASPUR CHRISTIANS IN 1931

			DEATH RATE (1930)		*SURVIVING POPULATION*	
Age	*Males*	*Females*	*Males*	*Females*	*Males*	*Females*
5 – 10	3,467	2,914	11	12	2,875	2,316
10 – 15	3,300	2,571	10	13	2,736	2,033
15 – 20	2,236	1,859	14	18	1,841	1,467
20 – 30	3,939	3,241	11	13	3,296	2,597
30 – 40	2,756	2,146	13	15	2,143	1,634
40 – 50	1,850	1,459	20	20	1,251	987
50 – 60	1,166	877	29	31	603	431
Over 60	1,103	735	59	64	617	255
	19,817	15,802			15,362 +11,720	11,720
				Total	27,082	

[1] *See p. 440.*

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APPENDIX XXII

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

NAMES OF THE SIKH BOOKS OF HISTORY REFERRED TO BY THE COUNSEL FOR THE MUSLIM LEAGUE ON 28 JULY 1947

I. *GURDHAM DIDAR*

It has been stated in the preface to this book that all the expenses of the publication and the pay of the author thereof were paid by the Nabha State and this book was published by the permission of S. B. Bhai Kahan Singh of Nabha. The publishers are Bhai Gurdit Singh and L. Janki Dass.

II. *TAWARIKH GURU KHALSA (URDU)*

The title page of this book bears the following:

> Bhai Gian Singh Giani, the author of *Panth Parkash* after a tour of whole of India and after a very arduous labour of 20 years wrote this book with the aid of Babu Rajindar Singh, editor of the *Loyal Khalsa Gazette*, Sialkot. It was printed in 1892 in the Guru Gobind Singh Press, Sialkot and Sardar Buta Singh Sahib, *Rais*, Rawalpindi, published it on the request of Mahant Prem Singh Sahib and R. B. Sardar Hari Singh Sahib, *Raises* of Sialkot.

III. *PANTH PARKASH* by Giani Gian Singh printed in 1880.

The *Ithas* Number of the Journal *Phulwari* (edited by S. Hira Singh Dard) says regarding this book:

> Baba Gian Singh Ji has given us as valuable book as the *Panth Parkash.*

(Phulwari, Ithas Number, page 163).

IV. *TAWARIKH GURU KHALSA* (GURMUKHI) by Gian Singh.

The title page bears the following :

> Published by the 'Sat Boharak' Agency, Amritsar, by permission of the Khalsa Tract Society.

[1] *See p. 456.*

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(The Khalsa Tract Society is a society registered under Act 21 of 1860).

V. *GURDHAM SANGRAH* : a history of the gurdwaras by Giani Gian Singh.

Sikh authors quote the works of Giani Gian Singh *(Panth Parkash* and *Tawarikh Guru Khalsa)* in their own works; see pages 87, 116 and 131 of *Gurmat Sadhant* by Giani Partap Singh, published by the Shiromani Gurdwara Parbandhak Committee.

VI. *PRACHIN PANTH PARKASH* by Rattan Singh Bhangoo.

This book was written by Rattan Singh in *sambat* 1898 Bikrimi and this book is also quoted by Sikh authors; see page 117 of *Gurmat Sidhant* by Giani Partap Singh published by the Shiromani Gurdwara Parbandhak Committee.

VII. *GURBILAS PADSHAHI VI*

This book was written in 1775 Bikrimi. Sikh authors draw upon it in their works; see page 79 of *Gurmat Sidhant* by Giani Pratap Singh referred above. Again Giani Hazara Singh has drawn upon this book in the translation of *Waran Bhai Gurdas*; see margin of page 752 *Waran Bhai Gurdas* (translation). See also the *Phulwari (Ithas* Number) page 161, where this book has been admitted as a book of Sikh history.

VIII. *CUNNINGHAM'S HISTORY*[1]

Bawa Budh Singh writes about this book :

(Mr. Cunningham was an independent unbiassed author of Sikh history *(Phulwari, (Ithas* Number) page 297). Moreover Gyani Pratab Singh has quoted this book on pages 31 and 120 of his book *Gurmat Sidhant* referred above.

IX. *GURSOBHA GRANTH*

This book was written by Sena Pat a companion of Guru Gobind Singh Sahib in 1798 Bikrimi. Several Sikh authors have used quotations from this book in their works; see pages 5873, 5874 (margin) of *Gurpratap Suraj Granth* by Bhai Vir Singh. Giani Sher Singh on page 282 of his work *Deg Tegh ka Malik* has used a quotation from this book. Sardar Hoshiara Singh

[1] *Complete title of J. D. Cunningham's work is A History of the Sikhs– from origin of the Nation to the battles of the Sutlej.*

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Jagirdar has also drawn on this book on pages 458 and 460 of his work *Ithas Sikh Guru Sahiban.*

X. *GURPRATAP SURAJ GRANTH*

The author of this book is Bhai Santokh Singh. Bhai Uttam Singh, B. A., S. S. M., writes about this book:

> Bhai Santokh Singh who was the pioneer in writing a continuous Sikh history with perfect sincerity deserves our thanks. *(Wartak Suraj Prakash*, Preface page 6).

Various Sikh works have drawn on this book; see *Gurmukh Sidhant* (above-referred) pages 32, 33 and 34.

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APPENDIX XXIII

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

LIST OF SOME OF THE MOST IMPORTANT MAUSOLEUMS IN THE SHEIKHUPURA DISTRICT

I. TEHSIL NANKANA SAHIB

1. *The Tomb of Rai Bular* : The respected leader of the Rajputs of the district, is situated near Nankana Sahib at a distance of about a mile. This great man gifted away the entire area of land which forms the estate of the Gurdawara Sahib at Nankana Sahib. He is a historic personality and his mausoleum is held in great esteem by the people of the district.

2. *The Mausoleum of Bet Joge Naubahar* of Syed Suleman Shah is a very widely respected place. The dynasty of the *pir* still exists. A big estate is attached to the mausoleum.

3. *The Tomb of Syed Husain Shah at Laduana* is one of the most respected *gaddis* of the *pirs* and an annual fair is held there and a big estate of land is attached to the tomb.

4. *Mian Mele Shah*, police station Warburton, is a well known *pir*. The entire village estate belongs to the mausoleum and the village is named after the *pir*.

5. *Pir Miran Balol* is another well known and respected *pir*. The village founded by him is known after his name and the entire estate is owned by the mausoleum. It is situated in the area of Mangtanwala police station.

II. TEHSIL SHEIKHUPURA

1. *Pir Bahar Shah:* This is a well-known tomb of a widely respected *pir* at Sheikhupura. A huge annual fair is held there and the disciples of the *pir* from all over the Punjab assemble on the occasion. The day of the fair is observed as a local public holiday in the district. The remains of the *pir* were brought here by the district authorities sometime in 1920-21.

2. *The Tomb of Pir Data Shah Jamal Shah* is another very important place of pilgrimage. The mausoleum is in existence from

[1] *See p. 457.*

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the times of the Mughal Emperors and is located at the foot of the historic fort built by Emperor Jehangir after whose name (Sheikhu Baba, as he was called by Akbar) the Sheikhupura Town is named. There is a fair at this tomb every Thursday. There are numerous stories about the spiritual powers of the *pir* and all the zamindars of the *ilaqa* have great faith in him. The legend goes that Emperor Jehangir was born on account of the prayers of this *pir* as well.

3. *Khanqah Dogran.* There is an old mausoleum known as Durbar Haji Dewan Sahib. Every day numerous men and women pay their homage at the tomb. It has been in existence over one thousand years. About 400 squares of land are attached to the mausoleum.

4. *Shah Kot—Pir Abul Khair Naulakh Hazari Sahib* is an old mausoleum from the time of Mughal Emperors. An *inam* of Rs. 400 per annum was sanctioned in the name of the mausoleum with the advent of British rule. It attracts numerous pilgrims every day. People from all over the Punjab attend the annual fair held there.

5. *Mian Ali Dogran and Faqiran.* Mian Ali Shahani is a very widely respected *pir* and his mausoleum is visited by hundreds every day. It is in existence from very old times.

6. *Village Dhingarbath—Mian Ali Mohammad Sahib* is a well-known place. Two squares of land are attached.

7. *Pir Waris Shah* : The well known author of the *Heer* is buried at Jandiala Sher Khan and a huge fair is held there every year. There are two other very respected *pirs* buried here with big mausoleums. Over three thousand acres of land is attached to the mausoleum.

III. TEHSIL SHAHDARA

1. *Sharakpore.* The mausoleum of Mian Sher Mohammad at Sharakpore is well-known throughout India. Mian Sher Mohammad was a *Mujaddid* of his times and his tomb is visited by his followers from all over India throughout the year. His death anniversary is celebrated every year with great pomp and show and the district authorities are obliged to make special arrangements on the occasion.

2. *The Mausoleum of Pattan Peeran*, police station Narang, is

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one of the most respected places of pilgrimage. The disciples of this *pir* hail from various parts of India.

3. *Peer Muharramwala* is a well-known mausoleum in the village known after his name in police station Muridke. An annual fair is held and thousands of his followers flock to the tomb every year.

4. *Peer Farzand Ali,* at village Fatehpur, police station Muridke, is another very respected mausoleum. His devotees number several hundred thousands.

5. *Joyanwala Peer Qutab Shah Bar Shah* is a well-known and most respected place. Fifty squares of land is attached to the mausoleum.

6. *Peer Bilal Sahib Thikri* is a well-known place. Considerable landed estate is attached to it.

7. *Barni Shah Syed* is a well-known place at Sharakpore and considerable landed estate is attached to it.

8. *S. Mohammad Saeed* near Ghazipore is a well-known place. Two squares of land is attached to it.

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APPENDIX XXIV

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947)[1]

TABLE SHOWING IN DETAIL THE *HADBAST* NUMBERS OF VILLAGES IMMEDIATELY INSIDE AND OUTSIDE THE BOUNDARY LINE OF PARTS OF TEHSILS CLAIMED BY THE MUSLIM LEAGUE IF STRATEGIC BOUNDARY IS ADOPTED

FAZILKA TEHSIL

Series of Hadbast Numbers of villages immediately inside the Line	*Series of Hadbast Numbers of villages immediately outside the Line*
WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 101	
SOUTHERN BOUNDARY	
Starting from *Hadbast* No. 101	
101	99
102	98
94	100
104	96
105	95
125	93
126	106
127	124
128	123
139	129
138	130
143	137
144	136
145	135
129	147
183	178
184	177
198	176
200	185
202	197
	201
EASTERN BOUNDARY	
Same as tehsil boundary.	
NORTHERN BOUNDARY	
Same as tehsil boundary.	

MUKTSAR TEHSIL

WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 47.	
SOUTHERN BOUNDARY	
Starting from West to East.	
47	46

[1] *See p. 457.*

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Series of Hadbast Numbers of villages immediately inside the line	*Series of Hadbast Numbers of villages immediately outside the line*
215	49
48	117
118	115
116	53
114	52
113	54
112	108
111	109
121	110
129	132
131	134
135	137
136	130
156	154
155	

EASTERN BOUNDARY
Same as tehsil boundary.

MOGA TEHSIL

WESTERN BOUNDARY
Same as tehsil boundary upto *Hadbast* No. 3.
SOUTHERN BOUNDARY
Starting from West to East.

3	69
4	67
5	66
14	65
60	61
19	81
53	82
23	59
24	58
30	57
46	23
44	53
39	52
38	47
	43
	40

EASTERN BOUNDARY
Same as tehsil boundary.
NORTHERN BOUNDARY
Same as tehsil boundary.

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JAGRAON TEHSIL

Series of Hadbast Numbers of villages immediately inside the line	*Series of Hadbast Numbers of villages immediately outside the line*
WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 133.	
SOUTHERN BOUNDARY	
Starting from West to East.	
133	137
132	136
126	134
118	131
61	127
112	114
110	113
109	106
77	107
78	108
	79
EASTERN BOUNDARY	
Same as tehsil boundary.	
NORTHERN BOUNDARY	
Same as tehsil boundary.	

LUDHIANA TEHSIL

WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 296.	
SOUTHERN BOUNDARY	
Starting from West to East.	
296	297
295	298
292	291
156	279
159	278
160	277
168	263
166	260
173	259
174	247
262	232
261	231
241	230
245	229
246	
234	
233	
228	
220	
EASTERN BOUNDARY	
Same as tehsil boundary.	
NORTHERN BOUNDARY	
Same as tehsil boundary.	

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SAMRALA TEHSIL

Series of Hadbast Numbers of villages immediately inside the line	*Series of Hadbast Numbers of villages immediately outside the line*
WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 85.	
SOUTHERN BOUNDARY	
Starting from West to East.	
85	141
83	87
80	88
93	89
74	90
73	91
72	92
71	94
69	95
	96
	97
	104
	112
	102
	101
	100
	99
EASTERN BOUNDARY	
Same as tehsil boundary.	
NORTHERN BOUNDARY	
Same as tehsil boundary.	

RUPAR TEHSIL

WESTERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 133.	
SOUTHERN BOUNDARY	
Starting from West to East.	
133	145
134	146
135	148
136	149
144	150
63	151
62	152
61	153
66	155
168	156
53	160
51	161
50	167

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Series of Hadbast Numbers of villages immediately inside the line	*Series of Hadbust Numbers of villages immediately outside the line*
47	169
48	170
45	171
	172
	173
	177
	179
	180
	44
	43
	42
	39
	40

EASTERN BOUNDARY
Same as tehsil boundary.
NORTHERN BOUNDARY
Same as tehsil boundary.

GARHSHANKAR TEHSIL

SOUTHERN BOUNDARY
Same as tehsil boundary.
EASTERN BOUNDARY
Starting from South to North.
Same as tehsil boundary upto *Hadbast* No. 375.

375	493
373	496
371	488
369	487
368	482
366	479
361	
362	
360	
359	
358	
357	
353	

and the same as tehsil boundary.
NORTHERN BOUNDARY
Same as tehsil boundary.
WESTERN BOUNDARY
Same as tehsil boundary.

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PATHANKOT TEHSIL

Series of Hadbast Numbers of villages immediately outside the line in East

394

399

398

DASUYA TEHSIL

Series of Hadbast Numbers of villages immediately inside the line	*Series of Hadbast Numbers of villages immediately outside the line*
SOUTHERN BOUNDARY	
Same as tehsil boundary upto *Hadbast* No. 646.	
EASTERN BOUNDARY	
Starting from South to North.	
642	646
641	459
165	637
166	636
167	628
168	626
170	625
171	623
637	624
629	368
186	361
230	360
225	362
226	359
228	357
230	384
366	386
365	348
364	345
363	
356	
355	
354	
349	
346	
NORTHERN BOUNDARY	
Same as tehsil boundary.	
WESTERN BOUNDARY	
Same as tehsil boundary.	

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APPENDIX XXV

(Presented by Sir Muhammad Zafrullah Khan, Counsel for the Muslim League on 30 July 1947[1])

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN BATALA TEHSIL *MINUS THANA FATEHGARH*

	Total Population	*Muslims*	*Sikhs*	*Scheduled Castes*	*Hindus*	*Christians and others*
Batala Tehsil	3,80,053	2,09,277	1,16,413	4,238	29,372	20,753
Thana Fatehgarh	58,760	36,393	14,584	773	3,445	3,565
	3,21,293	1,72,884	1,01,829	3,465	25,987	17,188
Percentages		53.81	31.69	1.08	8.07	5.35

[1] *See p. 458.*

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APPENDIX XXVI

(Presented by Sardar Darbara Singh—on behalf of Sardar Harnam Singh, Counsel for the Sikhs—on 30 July 1947[1])

During arguments I was asked to supply this Commission names of the villages included in the area claimed in the Sikh Memorandum and described in Appendices A, B, C. The Appendices A/1, B/1 and C/1 set out that information and are filed.

Sd. Harnam Singh
Advocate

[1] *See p. 464.*

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NOTE 1 ON APPENDIX XXVI

APPENDIX 'A' TO THE SIKH MEMORANDUM MAY BE READ AS UNDER IN ACCORDANCE WITH THE OFFICIAL POPULATION FIGURES RECEIVED IN OFFICE OF THE COMMISSION:

SHEIKHUPURA TEHSIL

Name of zail	*Muslims*	*Non-Muslims*	*Total*
1 Mohlan	2,809	10,235	13,044
2 Innoana	2,797	8,696	11,493
3 Mananwala	6,159	8,387	14,546
4 Jhabran	6,184	8,363	14,547
5 Karkan	7,454	7,843	15,297
6 Pacca Dalla	6,440	9,943	16,383
7 Dhaban Singh	5,962	12,975	18,937
8 Sangla Gurdaspuri	9,497	5,893	15,390
9 Sangla Sialkoti	13,315	14,833	28,148
10 Karyal	10,887	7,009	17,896
11 Kaloke	7,327	3,266	15,593
12 Chuharkana	7,858	13,121	20,979
13 Bhalike	11,019	10,374	21,393
14 Sheikhupura	19,247	18,465	37,712

NANKANA SAHIB TEHSIL

1 Khairpur	17,085	16,634	33,719
2 Natha	14,865	1,407	16,272
3 Qila Dharam Singh	10,028	3,568	13,596
Total	1,58,933	1,66,012	3,24,945

All references to Appendix 'A' in the Sikh Memorandum may be taken to be references to Appendix 'A' as modified above. The area described in Appendix A is contiguous to the Non-Muslim majority area of sub-district Chunian, District Lahore and to the areas described in Appendices B & C. For details see Appendix A/1.

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NOTE II ON APPENDIX XXVI

APPENDIX A/1

SHOWING THE VILLAGES INCLUDED IN APPENDIX A OF THE SIKH MEMORANDUM TO THE PUNJAB BOUNDARY COMMISSION

SHEIKHUPURA TEHSIL

Name of zail	*Names of villages*
MOHLAN	1. Chak No. 1 G. Khoti Wala. 2. Chak No. 1 G. Mahmudpura. 3. Chak No. 2 G. Chandurkot. 4. Chak No. 3 G. Itanwali. 5. Chak No. 4 G. Bhagwanpura. 6. Chak No. 6 G. Ram Nagar. 7. Chak No. 7 G. Gambhowal. 8. Chak No. 8 G. Anandgarh. 9. Chak No. 177 Kanwanwali Sikhan. 10. Chak No. 178 Chak Bhola. 11. Chak No. 179 Nauda. 12. Chak No. 638 Chak Watwan.
INNOANA	1. Chak No. 5 G. Chuharkana. 2. Chak No. 9 G. Jhabar. 3. Chak No. 11 G. Masanda. 4. Chak No. 12 G. Garmula. 5. Chak No. 13 G. Randhir. 6. Chak No. 14 G. 7. Chak No. 15 G. Samsa. 8. Chak No. 16 G. Badomatta. 9. 17 G. Karial. 10. Chak No. 18 G. Dugaich. 11. Chak No. 19 G. Dugaich. 12. Chak No. 20 G. Dugaich. 13. Chak No. 369 G. Kallanaur. 14. Chak No. 369 G. Rohtak. 15. Chak No. 369 G. Arayan. 16. Chak No. 370 Kartarsinghwala. 17. Chak No. 371 G. Morntinpur. 18. Chak No. 371 Junctionabad.
MANAWALA	1. Lagar. 2. Manawala Kirpal Singh. 3. Manawala Budh Singh. 4. Manawala Nahr Singh. 5. Manawala Sham Singh. 6. Manawala Jodh Singh. 7. Chak No. 524 Chak Tani.
JHABRAN	1. Jhabran. 2. Isherke. 3. Jandiala Sher Khan. 4. Warn.
KARKAN	1. Chak No. 35 Daulatpur. 2. Chak No. 39. Vinotion-wala. 3. Chak No. 44 Kotla Kahlwan. 4. Chak No. 83 Germanian Dalla. 5. Chak No. 85. 6. Chak No. 167 Patharwali. 7. Chak No. 168 Karkan. 8. Chak No. 174 Mohammadpura. 9. Chak No. 175 Walipur Bura. 10. Chak No. 176 Panwan.
PACCA DALLA	1. Chak No. 10 Thothian. 2. Chak No. 17 Maili Burji. 3. Chak No. 18 Bohoru. 4. Chak No. 25 Sathiali. 5. Chak No. 26 Majawaranwala. 6. Chak No. 34. 7. Chak No. 38 Nizampura. 8. Chak No. 78 Nawanpind. 9. Chak No. 79 Phahowali. 10. Chak No. 80 Jawalasinghwala. 11. Chak No. 81 Chuhe Jhar. 12. Chak No. 82 Rasulpur Jattan.
DHABAN SINGH	1. Chak No. 11 Dharampura. 2. Chak No. 11 Amarkot. 3. Chak No. 12 Ram Garh. 4. Chak No. 13 Dhaban. 5. Chak No. 11 Burewala. 6. Chak No. 23 Barnala. 7. Chak No. 24 Balu Jagu. 8. Chak No. 30 Moman. 9. Chak No. 282 Abdulapur. 10. Chak No. 283 Kot Daya Singh 11. Chak No. 284 Majmuhi. 12. Chak No. 285 Barlipur.
SANGLA GURDASPURI	1. Chak No. 29 Derh. 2. Chak No. 31 Ruriana. 3. Chak 32 Pakhriwala. 4. Chak No. 33 Dharowali. 5. Chak No. 36 Jodhnagar. 6. Chak No. 40 Mehrajpura. 7. Chak No. 41 Maror Roriwala. 8. Chak No. 42 Harar Kalan. 9. Chak No. 43 Kotla Baman. 10. Chak No. 46 Chatha. 11. Chak No.48 Noor. 12. Chak No. 49 Kariwala. 13. Chak No. 50 Tiwana. 14. Chak No. 292 Zakhira.

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Name of zail	*Names of villages*
KARYAL	1. Chak No. 539 Nahra. 2. Chak No. 14 Mahnianwala. 3. Chak No. 15 Doohri. 4. Chak No. 16 Chak Jaid. 5. Chak No. 19 Karyal Baghanwala. 6. Chak No. 20 Marhiala. 7. Chak No. 27 Adalgarh. 8. Chak No. 169 Garmula. 9. Chak No. 170 Gilwala 10. Chak No. 537 Mallhianwala. 11. Chak No. 538 Jatri Nan. 12. Chak No. 171 Jhandianwali. 13. Chak No. 173 Kaki. 14. Chak No. 287 Pathanwala.
SHAHKOT	1. Chak No. 51 Sulemanpur. 2. Chak No. 84 Shahkot. 3. Chak No. 86 Mirpur. 4. Chak No. 87 Gundhran. 5. Chak No. 80. 6. Chak No. 89 Nakodar. 7. Chak No. 166 Kanwanwali. 8. Chak No. 180 Damuana 9. Chak No. 181 Kiribhaint. 10. Chak No. 182 Burala. 11. Chak No. 183 Kamalpura. 12. Chak No. 184 Dhrang. 13. Chak No. 299 Shahkot.
KALOKE	1. Medar. 2. Chak Gurdas. 3. Shahpur. 4. Kaloke. 5. Ranike. 6. Kuralke. 7. Jehangirpur. 8. Mukta. 9. Rakh Kartarpur. 10. Ghazi Munara. 10. Machhike. 11. Rakh Dhanatpura. 12. Ghang. 13. Jhanke.
CHUHARKANA	1. Rachand. 2. Hardobandoke. 3. Lalke. 4. Muridke. 5. Kuja. 6. Kot Daya Ram. 7. Ribi Garhe Shah 8. Nokhar. 9. Chuharkana. 10. Bhandor. 11. Kot Sohnda.
BAHALIKE	1. Bahalike. 2. Sheroke. 3. Garwahwala. 4. Phularwan. 5. Sawanke. 6. Chak No. 526 G. (Chak Sarkari). 7. Kotla Panju Beg. 8. Daulatpura. 9. Buttar. 10. Chak 460 Makki Shababanwala 11. Chak No. 523 Jhinda Nau. 12. Manga. 13. Bhilwan. 14. Jatri Kuhna. 15. Barh.
FEROZE WATUAN (BHIKHI)	1. Jiwanpura Kalan. 2. Jiwanpura Khurd. 3. Pirkot. 4. Rakh Damuana. 5. Kudlathi. 6. Ayya. 7. Kharianwala. 8. Chak Chandu. 9. Bhikhi. 10. Chumber. 11. Feroze. 12. Mahmuwali. 13. Chak 525 Makki. 14. Chak 578 Bambo.
SHEIKHUPURA	1. Mirza Wirkan. 2. Thabal. 3. Amoke. 4. Goperai. 5. Qila Bawre. 6. Hardev. 7. Chachoke. 8. Dhirda. 9. Qiampur. 10. Kot Ranjit. 11. Marhiala. 12. Qila Amir Singh. 13. Dhudhianwala. 14. Hanjranwanwala. 15. Haran Munara. 16. Sheikhupura. 17. Chah Bhag Mal. 18. Arainanwala.
SANGLA SIALKOTI	1. Chak 45 Mararh. 2. Chak No. 111 Mohammadwali. 3. Chak No. 112 Allahabad. 4. Chak No. 113 Badomali. 5. Chak No. 114 Gill. 6. Chak No. 115 Nanda Chak. 7. Chak No. 116 Ladhar. 8. Chak No. 117 Jhewar Kot. 9. Chak No. 118 Jhewar Sikhan. 10. Chak No. 119 Bhuler. 11. Chak No. 120 12. Chak No. 121 Dogri. 13. Chak No. 122. 14. Chak No. 123 Siranwali. 15. Chak No. 290 Dera Sheikhan. 16. Chak No. 298 Sangla Hill.

TEHSIL NANKANA SAHIB

Zail	*Sr. No.*	*Hadbast No.*	*Name of the village*
KHAIRPUR	1	84	Abhianwala.
	2	87	Nankana Sahib.
	3	88	Pairo Wala.
	4	83	Piddipur.
	5	82	Chak No. 579.
	6	92	Khuni.
	7	93	Khairpur.
	8	85	Kaliber.

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Zail	*Sr. No.*	*Hadbast No.*	*Name of the village*
	9	102	Kotli Lal.
	10	86	Nabipur.
	11	81	Kanwanwali.
	12	89	Thatta Isa.
NATHA	1	114	Balaki.
	2	111	Jalalnav
	3	113	Chukhianwala.
	4	122	Chaura Langar.
	5	120	Thatti Ghulam Hussain.
	6	119	Dody.
	7	108	Khangah Shah Habib.
	8	157	Salimpur Kacha.
	9	158	Salimpur Pakka.
	10	164	Jalal Kohna.
	11	166	Sarab Kalan.
	12	167	Bungan Gillan.
	13	172	Sarab Khurd.
	14	109	Natha.
	15	168	Maure.
	16	98	Pipalwala.
	17	97	Naiwala.
	18	96	Daulta.
	19	103	Khiaro Kalan.
	20	115	Mangatanwala.
	21	121	Mohabbat Wala.
	22	112	Murtaza.
	23	112	Narhwala.
	24	105	Wandala Ghulam.
	25	103	Khiara Kalan.
	26	168	Maure.
QILA	1	215	Asal Par.
DHARAM SINGH	2	208	Haft Maddar.
	3	212	Qila Mohkam Singh.
	4	217	Qila Dharam Singh.
	5	213	Chitti.
	6	207	Jag Chak.
	7	214	Jatri.
	8	209	Shah Chak.
	9	206	Jiwanpura.
	10	216	Narike.
	11	211	Maliwal.
	12	159	Rati Tibbi Iraian.
	13	171	Baini Dass.
	14	170	Qila Tara Singh.
	15	174	Mangu Taru.
	16	175	Gharaya.
	17	177	Khakh
	18	169	Madhoke.
	19	151	Burj Bibi.
	20	162	Masu.
	21	179	Basidharpur.
	22	178	Chandpur.
	23	176	Dhudhian.
	24	176	Qila Pakka.
	25	180	Kiranwala.
	26	163	Nauta.

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NOTE III ON APPENDIX XXVI

APPENDIX B/1

SHOWING THE NAMES OF THE VILLAGES OF THE LYALLPUR, JARANWALA, TOBA TEK SINGH AND SAMUNDRI TEHSILS INCLUDED IN APPENDIX B OF THE SIKH MEMORANDUM TO THE PUNJAB BOUNDARY COMMISSION

Name of zail	*Names of villages*
RODUKORU	Chak No. 76 G. B. Chak No. 78 G. B. Chak No. 79 G. B. Chak No. 80 G.B. Chak No. 81 G.B. Chak No. 82 G.B. Chak No. 83 G.B. Chak No. 84 G.B. Chak No. 85 G.B. Chak No. 86 G.B. Chak No. 87 G.B. Chak No. 88 G.B. Chak No. 89 G.B. Chak No. 90 G.B. Chak No. 91 G.B. Chak No. 92 G.B. Chak No. 129 G.B. Chak No. 130 G.B. Chak No. 131 G.B. Chak No. 132 G.B. Chak No. 133 G.B.
LYALLPUR	Chak No. 204 R.B. Chak No. 207 R.B. Chak No. 208 R.B. Chak No. 212 R.B. Chak No. 214 R.B. Chak No. 213 R.B. Chak No. 215 R.B. Chak No. 218 R.B. Chak No. 219 R.B. Chak No. 220 R.B. Chak No. 221 R.B. Chak No. 222 R.B. Chak No. 223 R.B. Chak No. 224 R.B. Chak No. 225 R.B. Chak No. 230 R.B. Chak No. 231 R.B. Chak No. 232 R.B. Chak No. 233 R.B. Chak No. 270 R.B. Chak No. 296 R.B.
NIWAN	Chak No. 6 J.B. Chak No. 7 J.B. Chak No. 8 J. B. Chak No. 9 J.B. Chak No. 26 J.B. Chak No. 46 J.B. Chak No. 47 J.B. Chak No. 48 J.B. Chak No. 49 J.B. Chak No. 50 J.B. Chak No. 51 J.B. Chak No. 52 J.B. Chak No. 53 J.B. Chak No.54 J.B. Chak No. 55 J.B. Chak No. 56 J.B. Chak No. 57 J.B. Chak No. 100 J.B. Chak No. 119 J.B. No. 120 J.B. Chak No. 122 J.B. Chak No. 121 J.B. Chak No. 123 J.B. Chak No. 124 J.B.
NARWALA	Chak Nos. 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 J.B.
SARSHAMIR	Chak Nos. 58,59 60, 61, 62, 63, 64, 69, 71, 72, 73, 75, 81, 82, 83, 271, 272, 273, 275, 274, 276 J.B.
THIKRIWALA	Chak Nos. J.B. 65, 66, 67, 68, 70, 74, 76, 77, 78, 79, 80, 84, 85, 86, 87, 88, 89.
GIDDARWALA	Chak Nos. R. B. 259, 260, 261, 262, 264, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 280, 281.
RAJKOT	Chak Nos. R.B. 241, 242, 243, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 263, 289, Chak Nos. G.B. 535, 659.
KHANUANA	Chak Nos. R.B. 209, 215, 226, 227, 228, 234, 237, 235, 236, 238, 239, 240, 244, Chak No. 75 G.B.
UQBANA	Chak Nos. R.B. 196, 197, 198, 199, 202 and 203. Chak No. 117 J.B.
	JARANWALA TEHSIL
BADWALI	Chak Nos. R.B. 52, 53, 54, 55, 56, 57, 58, 59, 63, 64, 65, 66, 71, 72, 73, 149, 150, 151.
HATTEWALI	Chak Nos. R.B. 60, 61, 62, 67, 68, 69, 70, 73, 75, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102.

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Name of zail	*Names of villages*
KHURIANWALA	Chak Nos. R.B. 76, 77, 103, 104, 105, 106, 107, 108, 109, 123, 194, 200, 205, 206, 210, 211, 216, 229, 266.
JARANWALA	Chak Nos. G.B. 59, 61, 62, 119, 120, 121, 122, 127, 128, 125, 126, 237, 238, 239, 240, 534, 648, 649 Jaranwala Town.
PAULIARI	Chak Nos. G.B. 58, 60, 63, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106.
JASSUANA	Chak Nos. G.B. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 53, 54, 55, 56, 57, 114, 115, 116, 117, 118.
AWAGAT	Chak Nos. G.B. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 107, 113, 108, 109, 110, 111, 112, 123.
SATIANA	Chak Nos. G.B. 124, 233, 234, 235, 236, 59, 624, 625, 626, 635, 655, 656, 657, 658.
	TEHSIL TOBA TEK SINGH
PACCA ANNA	Chak Nos. J.B. 90, 91, 92, 93, 94, 95, 96, 97, 98, 99,277, 278, 279, 280, 281, 282, 283, 361, 362, and Chak No. 278 R.B.
GOJRA	Chak Nos. J.B. 296, 297, 298, 299, 300, 308, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 470.
YAKAR	Chak Nos. G.B. 148, 149, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 518, 519, 520, 531.
JANIWALA	Chak Nos. J.B. 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 301, 302, 273.
TOBA TEK SINGH	Chak Nos. J.B. 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331.
DHABBANWALA	Chak Nos. G.B. 150, 151, 152, 153, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 304, 349, 351, 358, 359, 307, 361, 536.
	TEHSIL SAMUNDRI
SAMUNDRI	Chak Nos. G.B. 461, 462, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 475, 476, 478, 533.
RASIANA	Chak Nos. G.B. 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 372, 373, 385, 386, 387, 388, 389, 390.
TARKHANI	Chak Nos. G.B. 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 244, 225, 226, 227, 527, 528, 529, 530, 531.

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NOTE IV ON APPENDIX XXVI

APPENDIX C/1

SHOWING THE NAMES OF THE VILLAGES INCLUDED IN APPENDIX C OF THE SIKH MEMORANDUM TO THE PUNJAB BOUNDARY COMMISSION

Name of zail	*Name of villages*
1 KARIAL	1. Bhangwan. 2. Thatha Manak. 3. Chachoke. 4. Chak Aya. 5. Randhir 6. Sadhoke. 7. Sahoke. 8. Samsa Dhada. 9. Kalwan. 10. Kuthiali. 11. Kartarpur Malian. 12. Karial Khurd. 13. Karial Kalan. 14. Kot Hari Chand. 15. Kurike. 16. Khara. 17. Khoti. 18. Gurmula 19. Leel. 20. Masanda 21. Wadhaun.
2 NOSHERA VIRKAN	1. Bahmanian. 2. Budha Gorya. 3. Bhund. 4. Punjgarain. 5. Jajoke. 6. Jawanwali. 7. Chitigorya. 8. Chak Chaudhri. 9. Chak Chuhar. 10. Chak Rajada. 11. Dhala. 12. Sadogoraya. 13. Sago Bhago. 14. Kot Mari. 15. Koluwala. 16. Ghari. 17. Gobindpura. 18. Lalepur. 19. Maya. 20. Matoo Bhanwal. 21. Matoo Bhaike. 22. Nadosaria. 23. Noshera Virkan. 24. Harjoke. 25. Madan Chak.
3 MAGOCHAK	1. Vandala 2. Akbar Ghanoke. 3. Phadianwali. 4. Tarar. 5. Darjake. 6. Dhatal. 7. Dhing. 8. Sarai. 9. Santpura. 10. Shahpur. 11. Salehpur. 12. Qila Rai Singh. 13. Qila Sukha Singh. 14. Qiampur. 15. Kingaryali. 16. Kharak. 17. Ghoga. 18. Ghoma. 19. Lande. 20. Lumbra. 21. Mari Khurd. 22. Mahal. 23. Majo Chak. 24. Malke. 25. Maleheki. 26. Naulanwali. 27. Harpoke. 28. Hardo Udha. 29. Hardo Kalawala.
4 THABAL	1. Babar. 2. Rokhe. 3. Dhundianwala. 4. Qila Mool Singh. 5. Jagowala Nau. 6. Jagowala Kohna. 7. Nitharke. 8. Manjwali. 9. Thabal. 10. Fateke.
5 MANGOKE	1. Badoratta. 2. Mohar. 3. Pagala. 4. Melu. 5. Goraya. 6. Mata 7. Deipepur.

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APPENDIX XXVII (a)

[Statement submitted by Muslim Members of the Commission appointed to investigate the population figures of certain zails in the Sheikhupura District][1]
(BCP B file 63-Polit. Genl./1947)

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN ZAIL KARKAN

Name of village	*TOTAL POPULATION*	*MUSLIMS*	*NON-MUSLIMS*				
			Hindus	*Sikhs*	*Scheduled Caste*	*Christians*	*Total non-Muslims*
Chak 168	2,612	2,496	101	15	–	–	116
Chak 174	1,566	1,295	17	23	231	–	271
Chak 167	1,374	739	1	452	–	182	635
Chak 175	1,470	217	91	826	17	319	1,253
Chak 176	837	198	63	355	4	217	639
Chak 39	1,466	1,128	15	169	–	154	338
Chak 44	1,647	437	44	846	–	320	1,210
Chak 83	1,265	302	43	712	–	208	963
Chak 85	938	114	–	619	–	205	824
Chak 35	1,309	516	180	506	1	106	793
Total	14,484	7,442	555	4,523	253	1,711	7,042

Sd. Mohammad Shafi
31.7.47

Sd. Habibur Rehman
31.7.47

These figures are unauthorised as they are not supported by the Non-Muslim members appointed by the Commission. Should therefore be filed alongwith the accompanying telegram which relates to them.

Sd. Nawab Singh
3.8.47

This ought to be circulated, as the Commission to investigate the *zails* was appointed by the Boundary Commission. Even if one party refuses to sign, the report ought to be placed before the Commission.

Sd. Abdur Rahim
3.8.47

[1] *See p. 480.*

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APPENDIX XXVII (b)

DISTRIBUTION OF POPULATION COMMUNITY-WISE IN ZAIL SANGLA SIALKOTI

		TOTAL POPULATION	MUSLIMS	NON-MUSLIMS				
Zail	*Village*			*[Hindus]*	*[Sikhs]*	*Christians*	*Scheduled Castes*	*Total*
Sangla	Chak 123	1,233	549	159	268	257	—	684
	Chak 119	2,102	733	223	720	426	—	1,369
	Chak 118	5,029	2,702	1,073	445	764	45	2,327
	Chak 111	485	106	53	265	61	—	379
	Chak 112	1,227	1,064	38	—	125	—	163
	Chak 113	782	627	25	—	130	—	155
	Chak 114	840	118	246	356	120	—	722
	Chak 115	1,244	646	168	304	126	—	598
	Chak 117	1,659	933	242	325	159	—	726
	Chak 116	1,207	889	130	26	162	—	318
	Chak 120	898	461	240	51	146	—	437
	Chak 121	1,456	1,139	145	—	172	—	317
	Chak 122	1,915	1,604	266	3	42	—	311
	Chak 45	1,184	484	106	571	23	—	700
	Chak 290	306	299	7	—	—	—	7
	Total	21,567	12,354	3,121	3,334	2,713	45	9,213
Urban Area	Sangla Town	5,721	1,559	3,113	964	59	26	4,162
	Grand Total	27,288	13,913	6,234	4,298	2,772	71	13,375

Rural Area	Muslims	12,354	Non-Muslims	9,213 = Total	21,567
Urban and Rural Area	Muslims	13,913	Non-Muslims	13,375 = "	27,288

Sd. Mohammad Shafi
31.7.47

Sd. Habibur Rehman
31.7.47

Not supported by signature of non-Muslim members appointed by Commission. Should therefore be filed and treated as unauthorised.

Sd. Nawab Singh
7.8.47

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NOTE I ON APPENDIX XXVII

Telegram dated 2 August 1947 from Mohan Lal Rai Advocate and Rachhpal Singh Pleader, Sheikhupura to the Secretary, Punjab Boundary Commission, Simla.
(BCP B File 63-Polit-Genl./1947)

Yesterday we with two Muslim League representatives were appointed by Boundary Commission to compare population figures of seven *zails* of Sheikhupura supplied by District Authorities and Muslim League. Before expiry of time allowed and before completion of work incomplete papers were submitted by Muslim League representatives without our scrutiny and signatures which should not be read as evidence. Letter follows.

Circulate.

Sd. Abdur Rahim
2.8.47

May be filed as the statement to which it relates has been directed to be filed.

Sd. Nawab Singh
3.8.47

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NOTE II ON APPENDIX XXVII

Mohan Lal Advocate and Rachhpal Singh Pleader, Sheikhupura to the Secretary, Punjab Boundary Commission, Simla (BCP B File 63-Polit-Genl./1947)

Sheikhupura, *2 August 1947*

In continuation of our telegram of yesterday we beg to state that we with two Muslim League Representatives were appointed on 31.7.47 by the Punjab Boundary Commission to compare the population figures of seven *zails* of Sheikhupura Tehsil viz., Mohlan, Karkan, Sangla Sialkoti, Bahalike, Chuharkana, Dhaban Singh and Sheikhupura City, sent by the District Authorities and submitted by the Muslim League.

As the time was short the figures of all the *zails* could not be compared.

We learn that the Muslim League Representatives submitted some incomplete papers to you without showing them to us and without our scrutiny and counter-signatures on them hence they should not be read as evidence before the Boundary Commission.

Sd. Mohan Lal Rai
Advocate

Sd. Rachhpal Singh
Pleader

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APPENDIX XXVIII

(Presented by Sardar Harnam Singh, Counsel for the Sikhs on 31 July 1947)[1]

PASSAGES FROM ENGLISH, MUHAMMADAN AND CONTEMPORARY HISTORIANS

APPENDIX 21/2

TUZK-I-JEHANGIRI, page 35.

In Goindwal, which is situated on the bank of the river Beas there was a Hindu named Arjun, in the garb of *Pir* and *Shaikh* so much so that having captivated many simple-hearted Hindus, nay even foolish and stupid Muslims, by his ways and manners, he had noised himself about as a religious and worldly leader. They called him Guru, and from all directions fools and fool-worshippers were attracted towards him and expressed full faith in him. For three or four generations they had kept this shop warm. For years the thought had been presenting itself to me that either I should put an end to this false traffic or he should be brought into the fold of Islam.

At last when Khusro passed along this road, this insignificant low fellow made up his mind to wait upon him. Khusro happened to halt at the place where he was. He (Arjun) came and saw him, and conveyed some preconceived things to him and made on his forehead a finger-mark in saffron which the Hindus in their terminology call *qashqa (tika)* and is considered propitious. When this came to the ears of His Majesty, and I fully knew his heresies, I ordered that he should be brought into my presence, and having handed over his houses, dwelling-places and children to Murtaza Khan and having confiscated his property, I ordered that he should be put to death with tortures.

(*Journal of Indian History*, Volume XIX, part II).

LATER MUGHALS by WILLIAM IRVINE, I. C. S. (Retd.) Volume I, pages 78-79.

Tegh Bahadur returned at length to Anandpur. Sikh tradition asserts that he lived the harmless life of a wandering devotee. Apparently he was seized at Agra and by Alamgir's orders trans-

[1] *See p. 489.*

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ferred to the capital. After many efforts to convert him to the Muhammadan faith, he was tortured and executed at Dehli in the year 1675 A. D[1].

HISTORY OF THE ORIGIN AND PROGRESS OF THE SIKHS by JAMES BROWNE (1788) page 8.

However, the destined period of the children's lives being come, one Kurruckchy Beg, a Mughal in the Shah's service undertook to perpetrate this barbarous murder, and went to the prison where the innocent victims were confined; the children clung round the neck of their grandmother to save themselves, but the villain tore them away, and cut their throats with a knife, in the presence of this miserable woman, who, unable longer to bear such a load of calamity, her husband, Taigh Behader, having been murdered before, (as was related) and her grand children now butchered before her eyes, sunk under the violence of grief and horror, excited by this last scene, and divine mercy by an immediate death, released her from further suffering.

Of all the instances of cruelty exercised on the propagators of new doctrines, this is the most barbarous and outrageous—Defenceless women and children, have usually escaped, even from religious fury. No wonder then that the vengeance of the Sikhs was so severe.

SYED MUHAMMAD LATIF, *HISTORY OF THE PUNJAB* page 188.

Abdul Samad Khan, having humiliated the Sikhs and caused the destruction of their leader Banda now took vigorous steps to destroy their power and to extirpate the race. A royal edict was issued to put all who professed the religion of Nanak to the sword, and a money reward was offered for the head of every Sikh. The irritated Mohamedans gave them no quarter, and wherever a Sikh was found he was butchered unmercifully. In order to give full effect to the royal mandate, Mahomedans and Hindus were strictly enjoined to clip their hair short. The Hindus were ordered

[1] *The author continues :*
One of this Guru's crimes, in the Emperor's eyes, may have been the style of address adopted by his disciples, who had begun to call their leader Sacha Padshah or the 'True King'. This title was readily capable of a twofold interpretation; it might be applied as the occasion served in a spiritual or a literal sense. Its use was extremely likely to provoke the mistrust of a ruler even less suspicious by nature than Alamgir.

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to shave their heads, and any Hindu found with long beard or hair was immediately slain. These extreme measures of resentment and persecution spread terror and consternation throughout the whole Sikh nation.

Page 213.

The dewan fully avenged his brother's death by defeating the insurgents with great slaughter, and driving them to the north-eastern corner of the Punjab. To complete his revenge, he brought with him a thousand Sikhs in irons to Lahore, and having compelled them to ride on donkeys barebacked, paraded them in the bazars of Lahore. They were then taken to the *nakhas khana* or horse market, outside the Delhi Gate of the city, and there beheaded one after another, without mercy. The place has since been called by the Sikhs Shahidganj or place of martyrdom, in commemoration of the event. The scene of the execution is marked by a *samadh*, or shrine, erected in honour of Bhai Tara Singh, the chief martyr and an old companion of Govind Singh, who, though offered a pardon on condition of his renouncing his faith and consenting to have his long hair cut, persistently refused, and was thereupon beheaded, 1746 A.D.

The governor, Yahya Khan, now issued a proclamation for a general massacre of all Sikhs, wherever they could be found. Death was to be the punishment of all persons who invoked the name of Guru Govind, and a reward was offered for the heads of Sikhs. Thousands were put to death daily and their heads brought before the Subedar of Lahore for the reward.

Page 220.

Firmly established in his authority, Mir Mannu considered the best mode of chastising the Sikhs. His first act was to storm the front of Ram Rouni which he captured and reduced. He then stationed detachments of troops in all parts infested by the Sikhs with stringent orders to shave their heads and beards wherever they might be found. These measures being rigorously enforced, inspired public confidence, checked the progress of Sikh proselytism, and compelled the votaries of the guru to conceal themselves in the mountains or jungles. Mir Mannu issued strict orders to the hill rajahs to seize the Sikhs and send them in irons to Lahore. These orders were obeyed, and hundreds of Sikhs were brought

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daily to Lahore and butchered at the *Nakhas*, or Shahidganj, outside the Delhi Gate, in sight of multitudes of spectators. The young Mannu became an irreconcilable foe of the Sikhs and was determined to extirpate the nation.

Pages 279-80.

They were mounted upon lame, worn out hungry asses and camels, each of them having a paper cap on his head. In this condition they were led into the streets of Lahore, followed by a mob which jeered and cursed them. At Delhi the prisoners were treated with the greatest ignominy. In order to give them a contemptible and ludicrous appearance, they were forced to dress themselves in sheep skins, and were then mounted on asses and camels, and exhibited in all the thoroughfares and places of public resort of the city.

Banda was placed on an elephant, with his face smeared with black, and a woollen cap placed over his head, and an executioner standing over him, sword in hand. He was made to take the lead, as their mock chief. One hundred of them were publicly beheaded that day amidst the jeers and taunts of the mob.

Each succeeding day a similar number were executed, until the whole had paid the penalty of their crimes.

MALCOLM, *SKETCH OF THE SIKHS* (1812), page 98.

In this action, which was fought in February 1762, the Sikhs are said to have lost upwards of twenty thousand men, and the remainder fled into the hills, abandoning all the lower countries to the Afghans, who committed every ravage that a barbarous and savage enemy could devise. Amritsar was razed to the ground, and the sacred reservoir again choked with its ruins. Pyramids were erected, and covered with the heads of slaughtered Sikhs; and it is mentioned that Ahmad Shah caused the walls of those mosques, which the Sikhs had polluted, to be washed with their blood.

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APPENDIX XXIX

(Presented by Sardar Harnam Singh, Counsel for the Sikhs on 31 July 1947)[1]

APPENDIX 21/I

ANATOMY OF AGGRESSION IN THE PUNJAB

"Muslims are the aggressors", said Master Tara Singh in a press interview on March 12, 1947. The matters set out hereunder amply prove the truth of this statement of Master Tara Singh.

Malik Feroze Khan Noon

I tell you this much, if we find that we have to fight Great Britain for placing us under one Central Government or Hindu Raj, then the havoc which the Muslims will play will put to shame what Halaku did. *(Tribune,* 11.4.1946)

Mr. Liaqat Ali Khan, General Secretary of the Muslim League, 4.8.1946:

"We will resist it by all means and will make the functioning of such a Government impossible".
"The possibility of formation of a Government by Congress which has been discussed widely since the Muslim League withdrew its acceptance of the British Cabinet Mission Proposals would be a signal for the Muslim League to start its programme of 'Direct Action', the League Secretary said.
"Direct Action means resorting to non-constitutional methods", he explained, "and that can take any form and whatever form may suit the conditions under which we live". Asked what specific action might be taken, Mr. Liaqat Ali Khan replied, "We cannot eliminate any method. Direct Action means any action against the law". *(Dawn* 5.8.1946).

Mr. Altaf Hussain, Editor of the "Dawn".

"Now MIGHT ALONE CAN SECURE THEIR RIGHT". *(Dawn* 18.8.1946).

Sardar Abdur Rab Nishtar

Pakistan can only be achieved through shedding of blood by

[1] *See p. 491.*

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ourselves and if need be and opportunity arose, by shedding of blood of others. Mussulmans are no believers in the creed of *Ahimsa*. We will act just as the situation demanded. Whether by violence or non-violence we have got to break the unholy alliance of British Imperialists with Hindu capitalists.

There are only two alternatives before you now. Either be prepared to shed every ounce of blood and stake every penny for achievement of Pakistan or live a life of serfdom. *(Tribune*, 18.8.1946).

Raja Ghazanfar Ali Khan. (31.8.1946)

Friends have suggested:

(i) Total economic, social and political boycott of the British and the Congress.
(ii) Non-payment of taxes by Muslims.
(iii) Scorched earth policy on the Russian pattern—refuse to grow more food and decline to give grain to enemies.
(iv) Government service by Muslims to be declared illegal.
(v) Defiance of Section 144 ban, wherever it be, on the carrying of arms.

Asking Muslims to keep themselves in readiness for the struggle ahead, Raja Ghazanfar Ali Khan said, "Do nothing until the fire order comes from Qaid-i-Azam Jinnah. . . .

On September 2 the foundation of a Civil War will have been laid. Pandit Jawahar Lal's Government was bound to meet the fate of Bacha Saqqa's short-lived government in Afghanistan without the cooperation of 10,00,00,000 Muslims." *(Civil & Military Gazette).*

Mian Mumtaz Daultana (31.8.1946)

The satanic moves of Lord Wavell and the British Government in which the Congress has willingly and foolishly let itself be trapped, will make Hindus and Muslims fight among themselves eternally. Our fight will be directed against the British but if thorns come in our way from any quarter they will have to be removed. *[No reference given.]*

Khan Iftikhar Hussain Khan of Mamdot, President Punjab Provincial Muslim League, appealing to Muslim lawyers on 4.9.1946

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Therefore in name of Islam and Pakistan I appeal to every one of them to cast aside all thought of personal occupation, business and profit and as shock troops of the Muslim League to spread out all over the Province in every village, *qasba*, town and city and do preliminary spade work of propaganda without which no revolutionary upsurge and determined struggle is possible. *(Dawn* 5.9.1946).

Appealing to Muslim women he said, "It is not for you to go into the battle but you must prepare yourself now to protect and heal the war scarred". *(Tribune* 5.9.1946.)

Office of the Muslim National Guards at Lahore searched on 24.1.1947.

The Muslim National Guards was declared an unlawful association on 24th January, 1947, and 1,000 steel helmets and volunteer badges bearing the insignia "Dagger, Sword and Revolver" were recovered by the Police from the office of the Muslim National Guards on that day. *[No reference given].*

Disturbances in Hazara District.

Several hundreds of Sikhs were killed and burnt alive by Muslim mobs in several villages of Hazara District in the end of December 1946. This number included young children and women. *[No reference given]*

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APPENDIX XXX

(Presented by Mr. Setalvad, Counsel for the Indian National Congress on 31 July 1947)[1]

ABSTRACT OF POPULATION IN U.B.D.C.[2] AREA FROM VILLAGE-WISE STATEMENT[3].

	Muslims	*Non-Muslims*	*Total*
GURDASPUR DISTRICT			
Pathankot Tehsil	14,394	15,414	29,808
Gurdaspur Tehsil	46,021	51,012	97,033
Batala Tehsil	71,752	85,630	1,57,382
/Total/	1,32,167	1,52,056	2,84,223
AMRITSAR DISTRICT			
Ajnala Tehsil	50,554	55,316	1,05,870
Tarntaran Tehsil	1,57,731	2,29,937	3,87,668
Amritsar Tehsil	3,59,025	4,30,134	7,89,159
[LAHORE DISTRICT]			
Wan Radha Ram Tract	22,614	6,754	29,368
Lahore District as per statement already submitted.	3,24,327	3,43,723	6,68,050
/Grand Total/	10,46,418	12,17,920	22,64,338

[1] *See p. 531.*
[2] *Upper Bari Doab Canal*
[3] *Village-wise statements appear at pages 611–623.*

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CENSUS 1941 OF VILLAGES ON THE UPPER BARI DOAB CANAL IN GURDASPUR DISTRICT

Tehsil	*Hadbest No.*	*Name of Village*	*Muslims*	*Non-Muslims*	*Total*
Pathankot	155	Saidi Pur	422	126	548
	158	Tungu Shah	184	132	316
	161	Dalla Balem	166	22	188
	162	Mari	31	76	107
	163	Parma Nand	218	763	981
	167	Kanwan	220	37	257
	168	Sarmun Lahri	49	191	240
	170	Tajowal	200	30	230
	177	Jagat Pur	168	–	168
	178	Lapalwan	153	250	403
	180	Dhalorian	79	199	278
	201	Narot Mahra	388	1,403	1,791
	205	Asa Banu	24	174	198
	212	Bheul Pyara	77	406	483
	213	Phulora	127	3	130
	216	Bhadrali	60	74	134
	217	Bahari Bazurg	77	23	100
	218	Sathar	92	110	202
	220	Haji Pur	12	16	28
	221	Chhan	74	53	127
	222	Atai Pur	33	157	190
	223	Phool Chak	136	59	195
	224	Ferozpur Kalan	485	363	848
	225	Khadawar	243	456	699
	226	Aziz Pur	103	220	323
	227	Bhanwal	111	780	891
	228	Kalas Pur	160	291	451
	229	Sujanpur Daulat Pur	4,150	1,766	5,916
	230	Farkh Pur	60	35	95
	232	Sahawali Bahawali	1,244	398	1,642
	233	Ati	13	290	303
	234	Bhajura	57	97	154
	238	Jamul	21	65	86
	236	Jhakian Lahri	12	172	184
	237	Salam Pur	16	215	231
	238	Rarwal	–	–	–
	239	Bahadar Lahri	14	232	246
	240	Malik Pur	218	1,008	1,226
	241	Bahlol Pur	27	101	128
	242	Bharoli Khurd	98	84	182
	243	Bharoli Kalan	117	297	414
	244	Sarna	118	390	508
	245	Jamal Pur	224	134	358
	246	Dehri Wala	210	296	506
	247	Gul Pur	26	29	55
	250	Chak Baswalan	–	54	54
	251	Ath Gujran	219	129	348
	252	Rajpurwah	338	107	445
	253	Jaswal Lahri	171	127	298

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Tehsil	Hadbast No.	Name of Village	Muslims	Non-Muslims	Total
Pathankot	254	Kotli Mughlan	149	229	378
	255	Salakal Garh	86	104	190
	256	Sahli	87	9	96
	257	Makim Pur	9	424	433
	258	Farida Nagar	40	440	480
	259	Ataru Chak	80	240	320
	260	Chashma	57	151	208
	261	Chakrawer	105	182	287
	262	Basi Afghanan	92	4	96
	263	Sahlad Pur	12	66	78
	264	Gujrat	137	–	137
	266	Memial	5	36	41
	267	Bhimpur	46	60	106
	268	Khati Khoi	65	9	74
	269	Wadala	45	85	130
	270	Melwan	146	–	146
	271	Habu	1	72	73
	272	Pathanke	123	43	166
	273	Kondah	120	–	120
	274	Bhawani	266	29	295
	275	Chhani Tola	30	179	209
	276	Jangal	394	94	488
	279	Gharhmal	158	11	169
	328	Tajpura	106	–	106
	329	Ladu Chak	40	132	172
	330	Daulatpur	497	176	673
	331	Dhaki	48	259	307
	358	Madhopur	5	–	5
		Total [Pathankot Tehsil]	*14,394*	*15,414*	*29,808*
Batala	270	Aliwal	688	258	946
	271	Talwandi Barnoth	741	1,007	1,748
	272	Kotla Baman	133	324	457
	273	Khokhar	21	259	280
	274	Bulhon Wala	342	350	692
	275	Dabhn Wala	91	271	362
	282	Shankarpur	166	585	751
	285	Dhir	336	692	1,028
	286	Chak Khasa	–	–	–
	287	Ghasitpur	111	439	550
	288	Hardo Jhande	616	622	1,238
	289	Hassanpur Klan	152	469	621
	291	Kolla Sharf	207	485	692
	290	Bal Purian	258	734	992
	292	Saropp Wali	583	668	1,251
	293	Chit	52	345	397
	294	Bajju Man	204	560	764
	295	Sheikhupura	445	428	873
	297	Said Mubarak	536	112	648
	296	Dhadiala	613	1,287	1,900
	298	Ghoga	604	175	779

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Batala	299	Narrar Kalan	865	1,447	2,312
	300	Raliali Khurd	245	250	495
	301	Raliali Kalan	310	754	1,064
	302	Bharathwal	453	319	772
	303	Sandal Chak Sandal	22	289	311
	304	Katowal	–	342	342
	306	Nassarke	996	64	1,060
	315	Parowal	575	423	999
	316	Khera	560	1,176	1,736
	305	Sarchur	1,762	127	1,889
	2	Bagha	81	219	300
	4	Kapura	386	14	400
	5	Balarwal	1,486	1,310	2,796
	6	Mari Buchian	1,018	1,035	2,053
	7	Kangra	140	3	143
	8	Samrai	197	35	232
	9	Rampur	59	156	215
	10	Talwara	211	92	303
	12	Dhirowal	70	214	284
	13	Mari Panwan	964	1,056	2,020
	11	Sri Gobindpur	1,576	2,480	4,056
	14	Khokharwal	181	175	356
	15	Gilbob	69	114	183
	26	Withwan	89	280	369
	27	Gil	39	79	118
	28	Mehtaywal	144	2	146
	29	Gopalpur	–	38	38
	30	Chak Warsal	27	112	139
	31	Mathola	158	730	888
	32	Bham	609	1,439	2,048
	33	Harchowal	336	1,420	1,756
	34	Bhamrai	1,240	1,041	2,281
	36	Majal Jhawar	118	369	487
	37	Bharat	220	1,086	1,306
	38	Manesh	42	266	308
	39	Dhanda	3	144	147
	40	Khajala	1,006	1,075	2,081
	41	Chima Kiman	–	60	60
	42	Sarowal	40	516	556
	43	Bhattiwal	309	597	906
	44	Dhaliwal	36	347	383
	45	Lallah	24	129	153
	46	Sohian	31	205	236
	47	Hetle	44	244	288
	48	Wasla Chak	16	196	212
	50	Khuddi	4	31	35
	49	Chima	459	1,238	1,697
	51	Brahm	63	5	68
	52	Nurpur	380	42	422
	53	Khanpur Harni	177	–	177

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Batala	54	Galowal	310	—	310
	55	Nuhray	—	—	—
	56	Kachrai	635	9	644
	57	Pojochak	131	244	375
	58	Sokhala	849	122	971
	59	Tananiwal	8	49	57
	60	Kishankot	252	225	477
	61	Chaman	446	1,728	2,174
	62	Chao Chak	62	147	209
	63	Kaure	130	187	317
	64	Chak Chao	236	1	237
	65	Mand	87	532	619
	66	Bakowa	596	1,406	2,002
	71	Chak Sidhwan	—	—	—
	72	Padday	135	491	626
	73	Kotli	145	300	445
	74	Darewali	238	291	529
	75	Vila Bajju	481	993	1,474
	76	Mikey	76	278	354
	77	Mamin Wal	66	222	288
	78	Langhanwali	9	160	199
	79	Talwandi	135	256	391
	80	Bolewal	387	873	1,260
	81	Mohmadpur	259	7	266
	82	Bojha	141	556	697
	83	Peroshah	479	10	489
	84	Bhona	230	621	851
	88	Mindhiala	102	8	110
	89	Pundori	293	723	1,016
	94	Nangal	23	207	230
	93	Bhagtapur	9	359	368
	90	Chalowal	105	290	395
	91	Chagtapur	—	—	—
	92	Attapur	47	306	353
	86	Ladhamunda	607	954	1,561
	85	Gandeke	176	304	480
	35	Dhalpal	260	956	1,216
	69	Chima	50	52	102
		Rampur	156	470	626
	228	Khokhar	434	21	455
	232	Kotli-phasi	62	151	213
	236	Talwandi Kaharan	112	286	398
	234	Bhullar	280	604	884
	235	Kala Nangal	138	416	554
	233	Kotla Saya	154	355	509
	237	Shampur	455	56	511
	242	Gokhuwal	444	200	644
	243	Khatib	571	53	624
	244	Narowal	20	269	289
	245	Taraghar	382	698	1,080
	246	Othian	49	79	128
	247	Baliwal	88	383	471

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Batala	248	Wanjwan	607	91	698
	249	Jorasanga	125	1,375	1,500
	250	Dharamkot	1,048	576	1,624
	251	Kot Karam Chand	193	408	601
	252	Nawanpind Milkhiwala	49	246	295
	253	Chandke	279	21	300
	254	Kila Lal Singh	235	406	641
	255	Chak Khankah	480	77	557
	256	Bhagowal	998	2,337	3,335
	257	Bijliwal	378	424	802
	261	Nawanpind Burkewal	60	185	245
	262	Kot Ahmadkhan	370	51	421
	263	Saidpur	305	419	724
	264	Kastiwal	1,179	176	1,355
	265	Gujarpura	401	378	779
	267	Dolet	255	391	646
	268	Duburji	150	302	452
	269	Qadian	432	83	515
	270	Aliwal Araian	734	258	992
	271	Talwandi Bharat	741	1,007	1,748
	275	Dabanwala	91	271	362
	276	Choranwali	220	252	472
	277	Burj Arian	392	53	445
	278	Karwalian	603	41	644
	279	Dhaulpur	311	438	749
	280	Rakhia	88	274	362
	281	Talwandi Lalsing	913	684	1,597
	283	Mulowal	166	585	751
	282	Shankarpura	346	529	875
	284	Sowita	426	383	809
	285	Bhir	336	692	1,028
	238	Ahmadabad	149	242	391
	296	Dhadiala	613	1,287	1,900
	305	Sarchor	1,762	127	1,889
	306	Nasarke	996	64	1,060
	308	Bishniwal	328	48	376
	309	Manakchak	56	119	175
	310	Ghankebangar	1,060	2,331	3,411
	311	Kotli Thapian	188	329	517
	312	Aliwal Jattan	201	161	362
	314	Kotli Dhagran	132	452	584
	316	Khera	560	1,176	1,736
	319	Mensendwal	675	1,009	1,684
	320	Qila Desa Singh	516	266	782
	321	Kala Afghanan	2,979	925	3,904
	323	Malakwal	299	357	656
	325	Panwal	195	257	452
	326	Chhacharianwala	732	268	1,000
	327	Teja Hawaz	243	217	460
	328	Teja Kalan	298	570	868
	329	Manjianwali	215	358	573
	330	Muridke	328	248	576

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Batala	331	Khokhar	539	84	623
	332	Lori Nangal	631	70	701
	333	Thatha	243	614	857
	335	Shamsherpur	646	536	1,181
	336	Fateh Gharh	2,956	4,990	7,946
	337	Dadujuh	400	36	436
	338	Badduwal Klan	1,096	104	1,200
	339	Badduwal Khurd	718	139	857
	341	Hardorwal	1,847	307	2,154
	386	Wela	722	397	1,119
	387	Serh	310	498	808
	388	Chath	696	181	877
	409	Bhagwanpur	34	581	615
	410	Dargawal	44	617	661
	411	Lukmania	–	288	288
	412	Arli Bhin	8	737	745
	413	Malakpur	1	117	118
	414	Doluwal	–	328	328
	424	Jiwan Nangal	145	–	145
		[Total Batala Tehsil]	*71,752*	*85,630*	*1,57,382*
Gurdaspur	107	Balharwal	102	–	102
	180	Hakimpur	38	79	117
	109	Bhangwan Mutsil Wirk	64	306	370
	114	Mast Kot	317	293	610
	115	Ojla	12	77	89
	116	Badwan	147	16	163
	117	Badala Bangar	262	914	1,176
	119	Amar Garh	279	51	330
	120	Khano Harni	391	24	415
	121	Batal	655	462	1,117
	122	Panwan	39	301	340
	278	Banthawala	159	136	295
	291	Sangowal	79	98	177
	281	Bhart Quazi Chak	491	542	1,033
	282	Kahira	152	16	168
	283	Monana Wali	183	133	316
	284	Manj	64	–	64
	285	Odipur	358	90	448
	286	Aurankh	1,477	1,194	2,571
	287	Jhakar Pindi	–	165	165
	288	Talwandi	60	228	288
	289	Deda	39	364	403
	290	Dina Nagar	99	–	99
	292	Maghrala	261	217	478
	293	Haweli	4	34	38
	294	Doaba	28	159	187
	296	Samu Chak	159	164	323
	297	Dhamrai	776	85	861
	298	Shahpur	31	66	97
	299	Wara Rawlan	274	14	288

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Gurdaspur	302	Jakria	22	274	296
	303	Raowal	56	175	231
	304	Jand Bachak	–	43	43
	305	Loh Garh	–	29	29
	306	Haripur	68	5	73
	311	Jahangirpur	7	43	50
	312	Naurangpur	–	–	–
	313	Paniar	861	472	1,333
	314	Raso Bhur Kangar Watian	229	110	339
	315	Bhabra	232	52	284
	317	Madowal	35	184	219
	318	Gandhian	826	227	1,053
	320	Ghula	140	235	375
	321	Machla Bariar	804	271	1,075
	322	Khojapur	405	176	581
	323	Rawal	303	46	349
	324	Garwaian	6	111	117
	325	Bhangwan	510	70	580
	326	Bhone	28	172	200
	327	Ram Nagar	90	371	461
	331	Mir Pur	79	172	251
	334	Kotli Nangal	69	25	94
	335	Shezada Nangal	253	125	378
	336	Litar	75	289	364
	339	Nabi Pur	777	120	897
	337	Gurdas Pur	220	178	398
	341	Jiwan Wal	38	275	313
	342	Beri	118	549	667
	343	Sidhwal	321	430	751
	349	Hapo Wal	71	66	137
	350	Dhariwal	18	134	152
	351	Chhawar	–	151	151
	352	Nawan Pind	76	755	831
	353	Majho Chak	68	320	388
	354	Khanewal	393	222	615
	355	Gorala	404	446	850
	356	Mankaur Singh Wala	27	191	218
	357	Parrah	103	804	907
	358	Oncha Becharagh	–	–	–
	359	Wara Becharagh	53	13	66
	360	Bhattian	122	69	191
	361	Ghot	33	1,362	1,395
	362	Bhale Chak	6	541	547
	364	Babe Hali	432	1,222	1,654
	365	Sabri	228	688	916
	366	Tabar	799	2,887	3,686
	367	Bayan	102	1,214	1,316
	368	Mustabad	221	348	569
	369	Katowal	27	87	114
	370	Talwandi	576	481	1,057
	373	Pir Di Sain	109	108	217
	374	Mali Sarai	52	73	125

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Gurdaspur	375	Sujan Pur	128	156	284
	376	Mani Pur	124	193	317
	377	Biri Nangal	842	760	1,602
	378	Alawal Pur	120	285	405
	379	Bhambli	306	1,227	1,533
	380	Sarspur	51	282	333
	381	Khunda	880	894	1,774
	382	Lodhipur	106	173	279
	384	Khandi	79	222	301
	385	Shahpur Becharagh	–	–	–
	386	Lehl	880	631	1,511
	387	Fateh Nangal	1,633	1,045	2,678
	388	Dhariwal Nardarina	–	–	–
	389	Rania	294	838	1,132
	394	Dadwal	833	323	1,156
	395	Sangar	195	377	572
	400	Chak Baroya	292	8	300
	401	Kot Santokh Rai	789	468	1,257
	402	Tahya Malian	76	228	304
	403	Chak Dipey Wal	191	272	463
	404	Bal	479	589	1,068
	405	Kang	237	299	536
	406	Molian wala	186	480	666
	407	Devi Das Pur	–	117	117
	408	Kalar Kalan	948	1,490	2,438
	410	Bazurg Wal	32	310	342
	411	Madinul Zaman	44	21	65
	412	Sahari	358	654	1,012
	413	Nachhiana	155	95	250
	414	Bango Wahani	781	52	833
	417	Ogro Khera	71	172	243
	418	Kala Goraya	106	59	165
	419	Athwan Mutsil Wirk	721	152	873
	420	Panyard	108	–	108
	421	Wirk	511	42	553
	422	Lakha Raju	76	141	217
	423	Koonjar	308	84	392
	424	Narowal	269	49	318
	425	Gagowal	188	240	428
	426	Mamo Gil	174	17	191
	427	Mustafa Pur	175	511	686
	433	Mughal	148	–	148
	434	Mandahir	98	–	98
	435	Bhikowal	350	444	794
	436	Gajo Ghazi	306	319	625
	437	Warecha	278	431	709
	438	Dhandia	38	195	233
	439	Bhai Ka Pind	91	103	194
	440	Johil Nangal	52	371	423
	441	Gadrian	722	323	1,045
	442	Bhangwan Mutsil Rajowal	66	381	447
	443	Rajowal	268	42	310

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Tehsil	Hadbast No.	Name of village	Muslims	Non-Muslims	Total
Gurdaspur	444	Doburji Mutsil Mohniwal	405	36	441
	445	Boliwal	390	183	573
	446	Godhopur	823	8	831
	447	Chak Bhangwan	–	–	–
	448	Kotla Khurd	45	9	54
	449	Ghuman Khurd	1,558	1,062	2,620
	451	Kele Kalan	140	555	695
	452	Kot Faridipur	17	24	41
	453	Kotla Chahlan	189	469	658
	454	Chhina	85	435	520
	455	Sohanian	462	431	893
	456	Chakar Khurd	253	658	911
	457	Sochit Garh	190	275	465
	458	Athwal Mutsil Sochit Garh	139	461	600
	459	Bidhi Pur	78	229	307
	460	Baroya	67	207	274
	461	Chaudahrpur	94	333	427
	462	Zafrowal	506	1,393	1,899
	463	Sidhwan Mutsil Zafrowal	39	235	274
	464	Malian	115	91	206
	465	Faiz Ala Chak	609	119	728
	466	Mabrid Chak	417	65	482
	467	Theh Ghulam Nabi	456	141	597
	468	Behl Chak	346	170	516
	469	Chhuhr Chak	883	942	1,825
	470	Naushahra Majangah	–	–	–
	479	Dirnapawali	189	131	320
	480	Khan Piara	70	470	540
	483	Derewala	923	921	1,844
	644	Ghazi Kot	408	35	443
	658	Narad	7	227	234
	661	Mokho	48	216	264
	666	Nano Nangal	–	10	10
	242	Ali Chak	191	42	233
	670	Maluk Mattu	382	28	410
	672	Bhagwanpura	104	–	104
	673	Bhatoya	1,092	118	1,210
	617	Chawa	246	45	291
	198	Doburji	400	34	434
		Total Gurdaspur [Tehsil]	*46,021*	*51,012*	*97,033*

Tehsil	Hadbast No.	Total	Muslims	Non-Muslims
Ajnala	269	812	192	620
	270	392	356	36
	271	1,155	892	263
	272	228	31	197
	273	922	786	136
	274	521	315	206
	275	447	320	127

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Tehsil	*Hadbast No.*	*Total*	*Muslims*	*Non-Muslims*
Ajnala	276	1,746	893	853
	277	318	79	239
	278	1,012	356	656
	279	483	110	373
	280	6	–	6
	281	570	182	388
	282	1,158	636	522
	283	991	462	529
	284	357	215	142
	285	525	149	376
	287	403	210	193
	288	1,247	445	802
	289	981	369	612
	290	543	360	183
	291	841	306	535
	292	3,349	1,142	2,207
	293	1,500	512	988
	294	836	702	134
	295	2,255	940	1,315
	296	258	202	56
	297	696	559	137
	298	356	279	77
	299	2,504	865	1,639
	300	2,604	2,134	470
	301	1,679	1,034	645
	302	494	189	305
	–	–	–	–
	304	502	488	14
	–	–	–	–
	306	3,448	1,644	2,104
	307	6,633	3,887	2,746
	308	1,077	975	102
	309	159	105	54
	310	1,132	417	715
	–	–	–	–
	312	1,509	624	885
	–	–	–	–
	314	779	429	350
	315	436	86	350
	316	490	134	356
	–	–	–	–
	318	636	216	420
	319	968	465	503
	320	331	51	280
	321	1,796	600	1,196
	322	785	251	534
	323	2,302	807	1,495
	325	717	239	478
	326	980	164	816
	327	614	354	260
	328	905	325	580
	329	459	198	261

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Tehsil	*Hadbast No.*	*Total*	*Muslims*	*Non-Muslims*
Ajnala	330	1,387	580	807
	331	569	193	376
	332	201	97	104
	333	673	368	295
	334	817	256	561
	336	345	166	179
	337	39	–	39
	338	–	–	–
	339	592	394	198
	340	1,720	802	918
	341	2,792	2,656	136
	342	497	299	198
	180	–	–	–
	179	697	281	416
	178	1,965	625	1,340
	177	218	52	166
	175	379	101	278
	174	393	207	186
	173	505	355	150
	172	132	122	10
	171	182	167	15
	251	78	78	–
	252	300	296	4
	253	934	315	619
	1	985	607	378
	3	2,215	637	1,478
	170	606	351	255
	169	1,682	777	905
	167	110	27	83
	166	592	254	338
	165	523	180	343
	164	202	85	117
	163	386	318	68
	162	3,003	1,025	1,978
	182	509	134	355
	183	626	28	398
	184	627	232	395
	185	1,864	850	1,014
	325	717	239	478
	324	2,037	657	1,380
	190	119	43	76
	189	1,029	424	605
	188	1,685	1,100	585
	193	236	40	196
	311	2,253	1,251	1,002
	305	822	453	369
	199	207	91	116
	303	852	237	615
	201	564	61	503
	207	571	283	288
	208	814	418	396
	209	635	302	333

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Tehsil	*Hadbast No.*	*Total*	*Muslims*	*Non-Muslims*
Ajnala	223	501	298	203
	233	843	243	600
	234	1,508	670	838
	250	1,742	782	960
Total Ajnala Tehsil		*1,05,870*	*50,554*	*55,316*

	Hadbast No.	*Muslims*	*Non-Muslims*	*Total*
Wan Radha Ram Tract	77	1,384	519	1,903
	80	1,599	268	1,867
	81	991	60	1,051
	82	2,004	102	2,106
	83	1,320	99	1,419
	84	2,691	192	2,883
	86	3,561	166	3,727
	87	1,810	138	1,948
	88	1,189	345	1,534
	89	2,089	302	2,391
	91	982	544	1,526
	236	264	110	374
	237	993	571	1,564
	238	642	60	702
	239	1,560	248	1,808
	240	1,402	611	2,013
	241	–	–	–
	242	509	50	559
	244	346	7	353
	246	204	72	276
	247	422	14	436
	204	98	72	170
	205	898	31	929
	206	313	119	432
	207	382	1	383
	208	855	426	1,281
	209	83	67	150
	210	1,528	64	1,592
	292	360	499	859
	293	302	2	304
	294	1,262	111	1,373
	288	176	57	233
	295	1,506	254	1,760
	286	260	–	260
	297	68	–	68
	298	358	49	407
	299	254	35	289
	300	700	6	706
	301	1,004	176	1,180
	302	87	13	100
	303	237	143	380
	304	–	–	–

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	Hadbast No.	*Muslims*	*Non-Muslims*	*Total*
Wan Radha Ram Tract	305	–	6	6
	306	180	50	230
	307	189	21	210
	308	522	47	569
	309	195	5	200
	310	177	–	177
	311	294	41	335
	312	–	–	–
	313	13	128	141
	314	541	58	599
	315	–	–	–
	316	–	–	–
	317	1,900	448	2,348
	318	230	18	248
	319	72	12	84
	320	49	–	49
	321	535	120	655
	322	133	–	133
	323	57	–	57
	324	177	113	290
	325	161	–	161
	326	105	16	121
	327	–	–	–
	328	29	51	80
	329	–	–	–
	330	704	159	863
	331	335	515	850
	333	272	20	292
	334	607	353	960
	335	5	115	120
	336	258	1	259
	337	9	66	75
	338	396	62	458
	341	392	523	915
	342	–	26	26
	343	–	–	–
	344	4	93	97
	345	52	38	90
	346	301	153	454
	347	579	223	802
	348	108	73	181
	349	52	38	90
	350	–	–	–
	351	–	–	–
	352	–	38	38
Grand Total		*22,614*	*6,754*	*29,368*
[Wan Radha Ram Tract]		*–15,860*		

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APPENDIX XXXI

(Presented by Mr. Setalvad, Counsel for the Indian National Congress on 31 July 1947)[1]

NOTE EXPLAINING THE PLAN SHOWING NON-MUSLIM AREAS IN RED IN THE MAP PUT IN BY INDIAN NATIONAL CONGRESS

In the Lyallpur, Jaranwala, Samundri and Toba Tek Singh tehsils there is a big belt covering almost the whole of Lyallpur, two-thirds of Jaranwala and portions of other tehsils wherein the non-Muslims are in the majority of 1,50,959, the exact population being

Muslims	2,33,555
Non-Muslims	3,84,424

In the Sheikhupura, Nankana and Shahdra tehsils of the Sheikhupura district there is a similar belt connecting Lyallpur with the Sialkot district and in this belt also the non-Muslims form majority, the Muslims being 2,20,174 while the non-Muslims are 2,22,859.

In the Gujranwala tehsil there is a small bit adjoining the Sheikhupura tehsil in which the Muslims are 45,785 while the non-Muslims are 48,033.

In the Sialkot district in the portions of Narowal, Pasrur and Sialkot tehsils as shown on the map, the non-Muslims are in a majority of 18,687, the total figures being

Muslims	1,84,104
Non-Muslims	2,02,691

In the Trans-Ravi portion of the Gurdaspur district i.e., Shakargarh tehsil, parts of Gurdaspur and Pathankot tehsils, non-Muslims are again in a majority of 1,065, the actual population being

Muslims	1,59,566
Non-Muslims	1,60,631

The total area of the above mentioned tract extending from Toba Tek Singh to Chak Andhra (Pathankot tehsil) will be nearly 4,700 sq. miles and the population will be 18,62,822; the Muslims

[1] *See p. 536.*

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being 8,42,498 and non-Muslims 10,20,324. The non-Muslims will thus have a majority of 1,77,826.

In the Gurdaspur district, east of river Ravi the non-Muslims are in a majority of about 52,000 in the area shown in red. The Muslims in this district are in a majority in the urban area of Batala, Qadian and the tract around Fatehgarh Churian as shown on the plan.

In the Amritsar district the non-Muslims in the area shown red, which excludes parts of Ajnala tehsil bordering the river Ravi (outside the Upper Bari Doab Canal boundary) are in a majority of 1,48,077, the Muslims being 5,67,310 and the non-Muslims 7,15,387.

In the Lahore district in the area shown red, which is mainly the area irrigated by the Upper Bari Doab Canal the Muslims are 3,24,327 while the non-Muslims are 3,43,723.

In the Montgomery district, in the tract marked red the non-Muslims are 2,00,497 while the Muslims are 1,54,468.

In the adjoining area of the Vihari tehsil there is a non-Muslim majority of about 14,000. In this tract with an area of 5,200 sq. miles therefore the non-Muslims are in a majority of 2,79,490.

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GLOSSARY

Abadi	Inhabited site
Ad-Dharmi(s)	Used for the untouchable(s)
Aggarwal	One of the sub-castes of Hindus, usually engaged as shopkeepers and money-lenders
Ahimsa	Hindu (also Buddhist and Jain) doctrine of non-violence
Arora	One of the sub-castes of Hindus, claiming *Khatri* origin and engaged in trading and money-lending; also called *Kirar*
Atta	Flour; any grain ground to powder
Azaan	Muslim call to public prayer
Bait (Bet)	Lowlying riverain country
Bania	Hindu shopkeeper and money-lender
Bar	Table land between two rivers
Barani	(Land) dependent on rainfall for cultivation
Benami	Transfer of right through private and unauthorised agreement
Brahmin	The highest caste among the Hindus
Chahi	(Land) Irrigated from a well
Chamar(s)	Low-caste tanner(s) and leather-worker(s) considered above the *Chuhra*(s) (q.v.) in social position
Chandal	Low-caste; contemptuous reference connotes a diabolical creature
Chhevin Padshahi	Lit. the sixth kingdom, meaning the reign of the Sixth Sikh *Guru*
Choora/Chuhra	A low-caste menial who works as sweeper and scavenger
Choot Chhat	Belief in or practice of untouchability
Doab	Land between two rivers

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Eid	A Muslim religious festival; hence an occasion of festivity
Gaddi	Throne, temporal or spiritual
Gaur	A sub-caste of Brahmins (q.v.) known to be very strict in caste observance
Ghi/Ghee	Butter oil
Girdawari	Harvest inspection by a Revenue official
Got(s)	Sub-caste(s)
Granth	The holy book of the Sikhs
Gujjar	A large grazier caste of the Punjab, predominantly Muslims
Gurdwara	A Sikh temple
Hadbast	Revenue circle
Halvai	Sweetmeat seller
Holi	A Hindu festival, observed by Sikhs also
Inam	A cash allowance paid out of the land revenue, generally for specified functions
Jagir	An assignment of land revenue sometimes conditional on the maintenance of troops or other services
Jangli	Natives of the river-side areas in the Punjab
Julaha	Weaver
Kafee	A genre of mystical poetry, esp. in Punjabi and Sindhi literature
Kaligar	Tinsmith
Kamin(s)	A generic term used during the British rule for carpenter(s), blacksmith(s), potter(s) and other artisans providing services to *zamindars* (land-owners)
Khaddar	Hand-loom cloth from hand-spun yarn

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Khalsa	'The pure', denoting the military brotherhood created by Gobind Singh, the Tenth *Guru* of the Sikhs in 1699, but applied to the Sikh community in general
Khatri	A Hindu caste, mostly engaged as traders, money-lenders and civil servants, considered above the *Arora*(s) (q.v.) in social position
Kirar	One of the three money-lending castes of Hindus, also called *Arora(s)*
Kirpan	A dagger or a sword worn by the Sikhs as a religious emblem
Kshatriya(s)	The soldier caste of Hindus, second only to Brahmins (q.v.)
Kulchawala	Baker/vendor of *Kulcha,* a kind of bun
Kumhar	Potter
Lahnda	Lit. West; also used for Western Punjabi
Lambardar	Village headman
Lohar	Blacksmith
Mahajan	A Hindu merchant and money-lender
Mahant	Priestly head of a Hindu/Sikh monastery
Mali	Gardner
Mandi	Market, esp. for grains and other agricultural commodities
Manjha/Majha	A tract between Beas and Ravi rivers
Mazhabi(s)	*Chuhra*(s) (q.v.) converted to Sikhism
Mirasi(s)	Musician(s) and minstrel(s) (usually Muslim), also acting as genealogist(s) to some agricultural castes
Mohalla	A quarter/district of a town usually inhabited by one particular class
Mujaddid	A religious reformer or revivalist in Islam
Munjh	Reed-fibre used for twisting ropes and strings

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Munsif	Lit. judge; esp. applied to a subordinate civil judge (usually Indian) in British India
Musalli	*Chuhra*(s) (q.v.) converted to Islam, usually employed on menial jobs in rural Punjab
Nahang(s)/Nihang(s)	Lit. reckless (soldiers of the *Akal* or Immortal); a militant Sikh sect
Nahri	Canal-irrigated (area)
Nai	Barber
Nakhas	Horse market
Nanbai	Baker/seller of *nan* (round leavened bread)
Nazul	Land forfeited to government, situate in or near towns or villages
Padri	A clergyman
Panjvin Padshahi	Lit. the fifth kingdom, meaning the reign of the Fifth Sikh *Guru*
Panth	A path, sect or religious order, used particularly of the Sikh community
Patwari(s)	Primary revenue official(s) responsible for maintenance of revenue records
Pir	Spiritual guide
Qanoongo/Kanungo	Supervisor of *Patwaris* (q.v.)
Qasba	A town or large village
Qashqa	A finger-mark made on the forehead with saffron, considered to be propitious by Hindus
Rabi	Spring harvest
Rais	Lit. chief; one of the gentry
Ramdasia	*Chamar*(s) (q.v.) converted to Sikhism
Sacha Padsha	Lit. true king, meaning God
Sadhu	A Hindu or Sikh ascetic
Sailab	Flood

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Sailaba	Land flooded or kept permanently moist by rivers
Samadh	A tomb over the relics of a dead body
Sambat Bikrami	Hindu calendar originating from the reign of Vikramaditya, 56¾ years before Christ
Saini	A sub-caste of gardeners
Sanatani (s)	Lit. a believer in the eternal, ancient (faith); orthodox Hindu(s)
Sansi(s)	A low-caste vagrant tribe known for eating wild animals and carrion
Sardar	Lit. chief; title borne by most Sikhs (also by some Hindus and Muslims)
Satguru(s)	The true *Guru*(s)
Sem	Water-logging
Shabraat	'Night of Penitence/Deliverance', falling on the 14th of Shaaban, the 8th Lunar month of the Islamic calendar
Shudra(s)	Hindu(s) of the fourth and the lowest caste
Sufedposh	Title given by the British to rural gentry
Sunar	Goldsmith
Tandoorwala	Bread-baker
Tarkhan	Carpenter
Tehsil	Revenue sub-division of a district
Thana	Police Station, and hence area of its jurisdiction
Thur	Salinity
Yatra	Hindu term for pilgrimage
Zail	Revenue term denoting a group of villages
Zaildar	A member of rural gentry responsible for assisting the administration in the collection of land revenue in a *zail* (q.v.) during the British rule
Zakaat	The obligatory poor-due enjoined by Islam

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Altaf Husain (1900–1968), foremost Muslim journalist in English language journalism; contributed columns to the *Musalman, Star of India* and the *Statesman;* editor, *Dawn,* Delhi and later Karachi (1945–65); Pakistan Minister for Industries and Natural Resources (1965–68) 607

Amar Das, Guru (1509–74), third Sikh Guru (1552–74); purified the Sikh religion of Hindu practices, encouraged intercaste marriage, allowed widows to remarry and strictly forbade *suttee* 167, 332, 366

Ambedkar, Dr. Bhimrao-Ramji (1893–1956), acknowledged leader of the Harijans; succeeded in obtaining special representation for them in the Legislative Council; contested Gandhi's claim to speak for Harijans, in his book *What Congress and Gandhi have done to the Untouchables* (1945); Member for Labour, Viceroy's Executive Council (1942–46); Law Minister, Government of India (1947–51); despairing the perpetuation of untouchability in Hindu doctrine, became a Buddhist together with 200,000 fellow untouchables (Oct. 1956) 201, 433

Amber, J.D. 221

Amir Singh 164

Amrit Kaur, Rajkumari, a Christian Member of the Indian Constituent Assembly; sometime Chairman of the All India Women's Conference; secretary to Gandhi (q.v.) for sixteen years; later Minister in Nehru's Cabinet 198

Anderson, Assistant Civil Engineer 50

Anderson, Lieut., of the Bombay Fusiliers 50

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Andrews, (the Reverend Charles Freer, 1871–1940) of the Cambridge Brotherhood, Delhi; author and journalist; associate of Mahatma Gandhi (q.v.) in South Africa and later; known affectionately as Deenabandhu 231, 234

Angad, Guru (1504–52), nominated by Guru Nanak (q.v.) as his successor (1539); originator of the Punjabi script *Gurmukhi* 160, 167

Anthony, Frank, a prominent leader of the Anglo-Indian community; Member, Indian Legislative Assembly and National Defence Council (1945-46) 238, 239

Arjan Dev, Guru (1553–1606), fifth Sikh Guru (1581–1606), compiled the *Adigranth* or *Granth Sahib*, the sacred scripture of the Sikhs 152, 167, 242, 243, 333–335, 342, 366, 486, 487, 603

Arnold, Sir Thomas W. (b. 1864), a great orientalist and educationist; Professor, M.A.O. College Aligarh, Government College Lahore (where he taught Allama Iqbal) and University College London (from 1904); author of several books including the *Preaching of Islam* 247

Aurangzeb Alamgir, Mohiuddin Muhammad (1618–1707), sixth and the last great Mughal emperor (1658–1707), under whom the Mughal empire reached its greatest extent 339–342, 344, 488, 603, 604n

Azraiah, S.W. 222

Bacha-i-Saqqa or Saqao (Habibullah), a Tajik water-carrier's son who became an outlaw and a Robinhood style bandit chief; rose to power and proclaimed himself Amir of Afghanistan in Jan. 1929, under the title of Habibullah Ghazi, after King Amanullah abdicated and left Kabul; seized and hanged in Oct. 1929 after Nadir Khan captured Kabul 608

Badri Das, Rai Bahadur, argued the pro-Congress case on behalf of the Depressed Classes before the Punjab Boundary Commission 26, 159, 193, 198, 199, 201, 430, 431

Bahadur Shah I (1643–1712), succeeded his father Aurangzeb Alamgir (1707–12); subdued Banda Bairagi (q.v.) and drove his followers into the hills (1710–12) 344

Bairagi, Banda see Banda Singh Bahadur

Bakhshi, Sir Tek Chand see Tek Chand, Bakhshi Sir

Baldev Singh, Sardar (1902–61), prominent Akali leader; President, Sikh All Parties Committee (1942); Minister, Development, Punjab (1942–46); Member, Defence, Interim Government (1946-47); Minister, Defence, India (1947–52) 238, 239, 495

Balfour, Arthur James Balfour, 1st Earl of (1848–1930), British Conservative statesman; Prime Minister (1902–05); Foreign Secretary (1916–19); author of the "Balfour Declaration", expressing official British approval of Zionism (1917) 133, 320

Balwant Singh, Sardar 223

Banda Singh Bahadur, known as Banda Bairagi or Banda Bahadur, an ascetic of the Bairagi order who succeeded Guru Gobind, the 10th Guru (q.v.) as a temporal Chief; captured Sirhind (1709-10); hearing of his depredations and cruelties, the Mughal emperor Bahadur Shah I (q.v.) had to march against him in person; finally defeated and captured by the Mughal governor Abdus Samad Khan; sent to Delhi and executed (1715) under the orders of the emperor Farrukh Siyar (q.v.) 344, 489, 604, 606

Bannerji, E. H., Secretary, Punjab Nationalist Christian Association 154, 191–193, 196, 197, 220–224, 227, 228, 230, 233, 235, 290

Bare Khan 99

Bashir Ahmad, Sheikh (1903–73), Advocate; presented the case of Ahmadiyya community before the Commission; Judge, High Court, Lahore (1959–62) 240–242, 244–246, 248–250, 533

Bashiruddin, Headmaster 223

Beattye, Col. 324

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Benes, Dr. Edward (1884–1948), statesman, Foreign Minister (1918–35) and President (1935–38 and 1945–48) of Czechoslovakia; the architect of its western-oriented policy between World Wars I and II 29
Beni Parsad 334, 335n
Benjamin 493
Bhagat Singh 338
Bhargava, Dr. Gopi Chand *see* Gopi Chand Bhargava, Dr.
Bhargava, Pandit Thakur Das *see* Thakur Das Bhargava, Pandit
Bihari Lal Nanda 62n, 455, 563, 564
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Budh Singh, Bawa 579
Budha Baba 167
Bullar, Rai 413
Buta Singh, Sardar 578
Buta Singh, Sir 338
Butler 140, 141
Calvert, H., I.C.S., Financial Commissioner, Punjab (1926–33); author of *Wealth and Welfare of Punjab* (1922) 401, 402
Casey, Richard Gardiner, Baron of Berwick, Victoria, and of the city of Westminster (1890–1976), Australian statesman; Governor of Bengal (1944–46); Australian Minister for External Affairs (1951–60); Governor-General of Australia (1965–69); author of *An Australian in India* (1946), *Friends and Neighbours* (1954), *Personal Experiences, (1939–46)* (1962), and the *Future of the Commonwealth* (1963) 387, 390, 535
Cash, W. Wilson 247
Chaman Lal, Diwan (1892–), lawyer and trade-unionist; Member, Indian Legislative Assembly (1924–31 and 1944–46); Member, Punjab Legislative Assembly (1937–44); President, All India Federation of Posts and Telegraphs Unions (1946); a friend of Jinnah 338
Chandu Lal (Chandu Shah), *Diwan* (finance administrator) of Lahore during the reign of Jahangir (q.v.) 335, 337
Charat Singh Sukarchakia 99
Connor 379
Craven 246
Crofton 50
Cunningham, Joseph Davey (1812–51), British soldier and administrator; joined the Bengal Engineers (1834); held political appointments in Punjab (1837–45) before participating in the First Sikh War (1846); author of the *History of the Sikhs* (1849), edited by H.L.O. Garrett and re-published by the Oxford University Press (1918) 149, 340, 340n, 346, 579n
Currie, Sir Frederick (1799–1875), Foreign Secretary to the Government of India (1842); with Sir Henry Hardinge in the First Sikh War (1845-6); Resident at Lahore (1848); elected Director of the East India Company (1854) and its Chairman (1857); Member, Council of India (1858) 150
Cust, Sir Robert Needham, sometime Financial Commissioner, Punjab; author of *Linguistic and Oriental Essays* 134, 135
Cutting, Mrs. C. 223
Dalhousie, James (Andrew Brown) Ramsay, 1st Marquess of (1812–60), Governor-General of India (1848–56); known for territorial annexation and expansion of British Indian Empire 150
Dalip Singh, Maharaja (1837–93), youngest son of Maharaja Ranjit Singh (q.v.); last Sikh sovereign of the Punjab till its annexation by the British (1849); lived in England on an annual pension; embraced Christianity but repudiated it after an appeal for increase in his pension was refused (1882) 150
Dara Shikoh (1615–59), the eldest and favourite son of Shah Jahan (q.v.); defeated by Aurangzeb (q.v.) in the War of Succession

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(1658) and killed in captivity (1659); author of *Safinat-ul-Awlia* and *Majma-ul-Bahrayn* 339, 559
Darbara Singh, Sardar, Advocate; argued the case of Mazhabi and Ramdasia Sikhs before the Commission in support of the demands made in the Sikh Memorandum 201, 249, 330, 343, 356, 461, 462, 464, 480, 591
Darling, Sir Malcolm Lyall, Financial Commissioner, Punjab (1936–39); Indian Editor, B.B.C. (1940–44); on special duty with the Government of India, War Department (1945-46); author of *Punjab Peasant in Prosperity and Debt* 38, 38n, 90, 179, 179n, 180n, 399, 399n, 400, 400n, 403–405, 405n, 406, 406n
Datta (Dutta), S.G., Party leader of Punjab Christian League 191, 192, 222, 230, 231, 231n, 234, 290
Daultana, Mian Mumtaz Muhammad *see* Mumtaz Muhammad Daultana, Mian
David, Subedar S. 223
Din Mohammad (Justice), Judge, High Court, Punjab (1936–46); Member of the Punjab Boundary Commission as Muslim League's nominee 5, 14, 16, 17, 20, 21, 23, 24, 27, 30, 33, 34, 39, 40, 42, 45, 46, 48, 51–54, 58, 63, 65–69, 72, 77, 78, 80, 85, 89, 91, 92, 96, 101–103, 116, 118–120, 122, 125, 127, 133–136, 143, 144, 146, 147, 150–153, 158, 163, 164, 166, 166n, 168, 169, 176, 179, 180, 183, 184n, 186, 189, 191, 193, 195–197, 199, 201, 214, 216, 219, 226, 227, 230, 234, 242, 246, 249, 267, 268, 272, 275, 294, 299, 303, 309, 317, 330–332, 336, 337, 345, 346, 356–358, 362, 367, 368, 370, 384, 396, 403, 410, 411, 423, 424, 430–35, 437, 444 445, 452, 453, 455, 457, 461, 463, 464, 468, 472, 477, 481, 482, 486, 487, 492–495, 497, 519–521, 524, 529–534, 536–538
Dina Nath, Joseph 222, 223
Diwan Bahadur S. P. Singha *see* Singha, Diwan Bahadur S. P.
Diwan Chaman Lal *see* Chaman Lal, Diwan
Dyas, Lieut. Joseph Henry (1824–68), joined the Bengal Engineers (1845); prepared and worked on the Bari Doab Canal Project (from 1850); later Lieut.-Col. and Chief Engineer, N.-W.F.P. (1864–68) 50
Edwardes, Lieut. 150
Farid, Shaikh (Baba Farid-ud-Din Mas'ud Shakarganj 1173–1265), a celebrated saint of the Chishtiyya Order; a disciple of Shaikh Qutbuddin Bakhtiar Kaki (d. 1235) and the spiritual mentor of Khwaja Nizam-ud-Din Awlia (1236–1325); brought about conversion of a large number of native tribes in the Sahiwal, Bahawalpur, Multan and other regions to Islam; buried at Pakpattan 152
Farquhar 200
Farrukh Siyar (1683–1719), Mughal Emperor (1713–19), who granted trade concessions to the East India Company in Calcutta and Madras 344
Fazal Din, Ch. 222
Fazal Elahi 221
Fazal-i-Ilahi, Khan Bahadur Sheikh, Census Superintendent, Punjab (1941); author of the *Census of India*, Vol. VI Punjab (1941) 16, 21, 23, 361
Fergusson, James (1808–86), studied architecture in India (1835–45); Secretary to the First Commissioner of Public Works (1869), later designated "Inspector of Public Buildings and Monuments"; wrote several books on Art and Architecture, of India in particular 559
Feroze Khan Noon, Malik (1893–1970), a Muslim League leader; educated at Chiefs College, Lahore and Oxford; Member, Punjab Legislative Assembly (1920); Minister for Local Self Government (1926–30) and Education (1930–36); High Commissioner for India in U.K. (1936–41); Member, Viceroy's Executive Council (1941–45); Member, Punjab Legislative Assembly (1946–49) and Pakistan Constituent Assembly (1947–50); Gov-

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Governor of East Pakistan (1950–53); Chief Minister, Punjab (1953–55); Prime Minister, Pakistan (1957-58) 489, 607
Francis, Maj. H. A. 222
Gandhi, Mohandas Karamchand (1869–1948), popularly known as Mahatma Gandhi; leader of the Indian Nationalist Movement against British rule; received international recognition for his doctrine of non-violence to achieve political and social objectives; studied law in England (1888); worked in South Africa (1893–1914), where he undertook a series of campaigns against the government's social policies; entered politics in India and called for a general *hurtal* to protest against the iniquitous Rowlatt Act (1919); President, Home Rule League (1920); worked with Maulana Muhammad Ali in the Khilafat and Non-co-operation Movements (1920–22); assumed and retained an un-paralleled authority in Congress (1922–47); President, Congress (1925); Hinduised its outlook and approach but stressed Indian unity; championed the cause of Harijans, though believing in the caste system; opposed Communal Award (1932) and pressurised Ambedkar into abandoning separate electorates for Scheduled Castes; conducted parleys and correspondence with Jinnah, Linlithgow (1937–40), Sir Stafford Cripps (1942), Wavell and Cabinet Mission (1946); held talks with Jinnah (Sept. 1944) on the basis of Rajaji Formula, but refused to accept Muslims as a separate nation, characterising Pakistan demand as "vivisection of India"; opposed partition till the end; shot to death by a Hindu fanatic (30 Jan. 1948) 229, 230, 433
Ghanshyam Das Birla (1894–1983), leading Hindu businessman and industrialist; President, Federation of Indian Chambers of Commerce and Industry (1929); a financier of the Congress and a prominent figure in Indian politics 391, 392
Ghazanfar Ali Khan, Raja (1895–1963), prominent Muslim League leader; Member, Indian Legislative Assembly (1923), Indian Council of State (1933) and Punjab Legislative Assembly (1937–46); Parliamentary Secretary, Revenue and Irrigation, Punjab (1937–44); Member, Council, AIML; Member, Interim Government (1946-47); Minister for Agriculture, Food and Health (later Refugee Relief and Rehabilitation), Pakistan (1947-48); Pakistan Ambassador to Iran (1948) and High Commissioner in India (1954) 490, 608
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Gian Singh, Giani 332, 335, 578, 579
Gibb, H.A.R. (1895–1972), celebrated British orientalist and author of numerous books and articles on Islam 247
Gibbon, C.E., prominent Anglo-Indian leader; Member, Punjab Legislative Assembly (1946-47); argued the case of his community before the Commission 222, 235, 239, 491
Gobind Singh, Guru (Govind Singh) (1666–1708), the 10th and last Sikh Guru; known for his creation of the Khalsa, the military brotherhood of the Sikhs (1699); codified Sikh law and reputedly wrote a Sikh epic *Dasam Granth* 152, 184, 338, 341, 342, 344, 345, 351, 486, 488, 579, 605
Gopi Chand Bhargava, Dr., Congress M.L.A., Punjab and Member, Punjab Partition Committee (1947) 230, 351, 353
Gorakhnath Sharma 62n, 435
Grierson, Sir George Abraham (1851–1941), British civil servant and reputed orientalist; author of the monumental *Linguistic Survey of India* which lists 872 languages and dialects, and gives comparative vocabulary of 368 of these 143, 144

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Gujar Singh 164, 165
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Halaku (Hulagu) Khan (1217–65), grandson of Changez (Genghis) Khan, the Mongol conqueror (1162–1227); sacked Baghdad and dealt the coup de grace to the Abbasid Caliphate (1258) 489, 607
Hans Raj, Raizada 338
Hargobind, Guru (1595–1645), the sixth Guru (1606) who combined in him the military and spiritual leadership of the Sikhs; built the Akal Takht (1609) 160, 164, 167, 168, 243, 335, 337–339
Hari Krishan Kaul, Pandit, Census Superintendent (1911); author of the *1911 Census Report*, Vol. XIV, Part I of the Punjab 27, 374
Hari Ram Gupta 140, 164
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Harnam Singh, Sardar, an Akali Sikh and a lawyer from Lahore; argued the Sikh case before the Punjab Boundary Commission (1947) 53, 89, 94, 105, 112–114, 116, 118–122, 124–130, 133–136, 138, 140–144, 146–149, 151–153, 155, 156, 158, 159, 161–166, 168–170, 172, 175–177, 179–183, 186, 189–191, 217–219, 258, 275, 281–283, 287, 289, 303, 305, 322, 330, 331, 338, 343, 369, 389, 390, 395, 405, 409, 410, 412, 418, 419, 423, 431, 444, 452, 456, 459, 468, 472, 477, 478, 480–482, 486–488, 492–497, 512, 520, 524, 536, 539–545, 548, 551, 591, 603, 607
Har Rai, Guru (1630–61), the seventh Guru of the Sikhs (1645–61); spent more time in spiritual exercises; helped Dara Shikoh (q.v.) and surrendered his elder son Ram Rai as a hostage to Aurangzeb's Court; Ram Rai treated with distinction and released by the Emperor 339
Harrison, C. Henry 30
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Henderson, Arthur, British Labour M.P.; Parliamentary Under-Secretary of State for India and Burma (1945–47) 10, 10n, 11n, 189, 269, 278–281, 356, 467, 483, 512
Hidayat Masih, Lambardar 222
Higham, T. 50
Hill, Norman 465
Hira Lal 222
Hira Singh Dard, S. 578
Holdich, Sir Thomas Hungerford (b. 1843), British soldier who served in several expeditions in India (Bhutan 1865, Afghan War 1878–80, Tirah 1897-98); on special duty with the Afghan Boundary Commission (1884–86); Superintendent of Frontier Surveys (1892–98); Member, Pamir Commission (1895) and Perso-Baluch Commission (1896); author of *The Indian Borderland* (1901) and the *Boundaries in Europe and the Near East* 31, 32, 312
Hormasji Peroshaw (Homi) Mody, Sir, Member for Supply, Viceroy's Executive Council (1941–43); co-author of *The Economic and Financial Aspects of Pakistan* 392
Hoshiara Singh Jagirdar, Sardar 579
Ibbetson, Sir Denzil Charles Jelf (1847–1908), joined the Indian Civil Service (1870); served in Punjab as Superintendent of Census, Director of Public Instruction and Financial Commissioner; Chief Commissioner, C.P.; Lieut.-Governor of the Punjab (1907-8); author of the *Handbook of Punjab Ethnography*, *Gazetteer of the Punjab*, etc. 78n, 99, 183n
Ibrahim Khan 222
Iftikhar Husain Khan, Nawab of Mamdot (1905–69), son of Sir Muhammad Shahnawaz; educated at Government College, Lahore; President, Punjab Muslim League; leader, League Assembly Party, Punjab (1946-47); led Civil Disobedience Movement against Khizr Government (1947); first Chief Minister, West Punjab (1947–49); founded Jinnah Muslim League (1950); rejoined Muslim League (1953); Governor of Sind (1954-

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55); Member, Pakistan Constituent Assembly (1947–55); Vice-President, Convention Muslim League (1960) 280n, 351, 359, 451, 608

Irvine, William (1840–1911), retired from the Indian Civil Service (1888); author of the *Rent Digest* (1868) on agricultural tenures, the chapters on Muhammadan India (1000–1750) in the *Imperial Gazetteer*, and the annotated translation of the *Memoires of Niccolo Manucci, Venetian (1656–1717)*, better known for his work *Later Mughals* 488, 603

Ismay, General Hastings Lionel, 1st Baron (1887–1965), Winston Churchill's closest military advisor during World War II as his Chief of Staff (1940–46); Chief of Staff to Mountbatten (Mar.–Dec. 1947); Secretary of State for Commonwealth Relations (1951-52); Secretary General of the NATO (1952–57) 122

Jacob, Lambardar 222

Jadu Nath Sarkar, Sir (1870–1958), foremost Indian historian of the Mughal Dynasty (1526–1857); Vice-Chancellor, University of Calcutta (1926–28); Member, Bengal Legislative Council (1929–32); knighted in recognition of his scholarship (1929); author of *India of Aurangzib* (1901), 5-Volume *History of Aurangzib* (1924) and the 5-Volume *Fall of the Moghul Empire* (1950) 140

James, Rev. B. 221

Janki Dass, L. 578

Jawaharlal Nehru, Pandit (1889–1964), foremost Congress leader after Gandhi, a close friend of Mountbatten and the first Prime Minister of independent India (1947–64); educated at Harrow and Cambridge; Member, A.I.C.C. (1918); General Secretary, All India Congress (1928) and its President (1929-30, 1936-37, 1946); Member for External Affairs, Interim Government of India (1946-47); architect of modern India and its policies 338, 608

Jehangir, Nuruddin Muhammad (1569–1627), fourth Mughal emperor who succeeded his father, Akbar the Great (1542–1605); known for his proverbial justice, tolerance and patronage of arts; author of *Tuzk-i-Jehangiri* 152, 333–337, 339, 417, 445, 486, 487, 558, 559, 582

Jinnah, (Quaid-i-Azam) Muhammad Ali *see* Muhammad Ali Jinnah (Quaid-i-Azam)

Jogendra Nath Mandal (1906–), Scheduled Castes leader, Minister in Bengal (1943–47); Law Minister, Pakistan (1947–50) 201, 431, 434

John Sunder Singh, Chaudhry 222

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Kahan Singh, S. B. Bhai 333, 578

Kanayya Lal (1830–88), appointed Assistant Engineer in Lahore (1850) after graduating from Roorkie College; wrote the *Tarikh-i-Punjab* (completed and first published in 1877); also wrote a biography of Maharaja Ranjit Singh (q.v.) entitled *Zafar Nameh* or *Ranjit Nameh* 340n, 558, 559

Kanwar Sen, Rai Bahadur, Chief Engineer, Bikaner State (1947); author of *Reminiscences of an Engineer* (1978) 207

Kartar Singh, Giani, prominent Akali leader and close associate of Master Tara Singh; M.L.A., Punjab (1946-47); President, Akali Dal (1947) 53, 351, 352, 489

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Khusro, Prince (1587–1622), eldest son of Jehangir (q.v.), who rebelled against his father 334, 335, 337, 603

Krishan Gopal Dutt, Chaudhry 351

Kurruckchy Beg 488, 604

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Latif, Syed Muhammad *see* Muhammad Latif, Syed

Lawrence, Sir Henry Montgomery (1806–1857), English administrator and expert of Sikh politics; British Resident at Lahore (1846); President of the Board of Adminis-

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tration, Punjab (1849–52); summoned to Oudh from Rajputana and mortally wounded in the defence of British Presidency at Lucknow (1857) 50, 160
Lehna Singh 164, 165
Liaquat Ali Khan, Nawabzada (1895–1951), foremost League leader after Jinnah and the first Prime Minister of Pakistan (1947–51); educated at Aligarh, Allahabad and Oxford; joined Muslim League (1923); Member, U.P. Legislative Council (1926–40); Member (1940) and Deputy Leader of the League in the Indian Legislative Assembly (1943–46); General Secretary, All India Muslim League (1936–47); Finance Member and leader, League bloc in Interim Government (1946-47); assassinated (16 Oct. 1951) 489, 490, 607
Lloyd 50
Lloyd George, David (1863–1945), British Liberal statesman, who laid the foundation for the modern welfare state; designed Britain's first comprehensive health and unemployment insurance as Chancellor of the Exchequer (1911); Prime Minister (1916–22); strove for a non-vindictive treaty at Versailles (1919) after the Allies triumph in World War I (1914–18) 19, 28
Loranzo, A. M. 314
Ludlow 150
Lyall, Sir James Broadwood (b. 1838), Financial Commissioner, Punjab (1883); Resident in Mysore (1883–87); Lt. Governor, Punjab (1887–92) 87
Macauliffe, M.A., author of *The Sikh Religion* 182, 343, 343n
MacFarquhar 379
Mahajan, Mehr Chand (Justice) see Mehr Chand Mahajan (Justice)
Mahan Singh (1765–92), Sikh Raja of Lahore; father of Maharaja Ranjit Singh (q.v.); became the most influential chief in the Punjab (1785-86) 99
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Maharaja Yadavindra Singhji of Patiala *see* Patiala, Maharaja Yadavindra Singhji of
Malcolm, Sir John (1769–1833), British soldier, diplomat, administrator and author; envoy to Persia (1799–1801); Private Secretary to Lord Wellesley (1801–3); Resident at various Indian Courts; Governor of Bombay (1827–30); author of *Political History of India* (1811), *History of Persia* (1815), *Sketch of the Sikhs*, etc. 606
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Mannu, Mir (Meer), son of Kamr-ud-Din Khan; *Wazir*, Governor of the Punjab under the title of Moinul Mulk (1748) 138, 345, 605, 606
Mathai, Dr. J., Professor of Indian Economics, Madras University (1922–25); Member and later President, Indian Tariff Board (1925–35); Director General, Commercial Intelligence and Statistics (1935–40); Member, Interim Government (1946-47); one of the authors of *The Economic and Financial Aspects of Pakistan* 392
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Mehr Chand Mahajan (Justice), Judge, High Court, Lahore and Congress nominee on the Punjab Boundary Commission (1947); recorded his reminiscences in *Looking Back* (Bombay, 1963) 15, 16, 24, 31, 40, 45, 46, 57, 60, 61, 75 98, 100, 112, 114, 116, 124, 156, 163, 170, 172, 175, 186, 256, 276, 279, 283, 286, 287, 291, 294, 298, 300, 301, 303, 311, 332, 336, 343, 361, 366, 430, 436–438, 441, 442, 450, 451, 453, 462, 463, 473, 477, 487, 519
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Mirza Ghulam Ahmad (1839–1908), founder of Ahmadiyya Sect with its headquarters at Qadian (up to 1947) and later at Rabwah, District Jhang 247
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Modi (Mody), Sir Hormasji Peroshaw (Homi) *see* Hormasji Peroshaw (Homi) Mody, Sir
Mohandas Karamchand Gandhi *see* Gandhi, Mohandas Karamchand
Mohan Lal, Rai 480, 480n, 601, 602
Montagu, Edwin Samuel (1879–1924), British politician, who played an important part in introducing the Government of India Act (1919); Secretary of State for India (1917–22), in Lloyd George's (q.v.) Cabinet 502
Mountbatten of Burma, Lord Louis Francis Albert Victor Nicholas (1900–79), last Viceroy of India (Mar.–Aug. 1947) and first Governor-General of Indian Dominion (Aug. 1947-48); author of the 3 June Plan for the transfer of power to India and Pakistan (August 1947); Supreme Allied Commander, South–East Asia (1943–46); Commander-in-Chief of the Mediterranean Fleet (1952–54); Admiral (1956); Chief, U.K. Defence Staff and Chairman, Chiefs of Staff Committee (1959–65); killed on his boat by an explosion, claimed by the Irish Republican Army as a part of their campaign 122, 478, 479, 482, 484, 495
Muhammad Ali Jinnah (Quaid-i-Azam) (1876–1948), popularly known as Quaid-i-Azam (the great leader); founder of Pakistan and its first Governor-General; b. 25 Dec. 1876; educated at Karachi; did his Bar-at-Law from Lincolns Inn, London (1895); started legal practice at Bombay (1897); elected to Viceroy's Imperial Council (1910), and piloted Mussalman Wakf Validating Bill (1911–13); President, All India Muslim League (1916, 1924 and 1934–47); leader of Muslim League Party in Indian Legislative Assembly; described as the best ambassador of Hindu–Muslim unity; resigned from Council in protest against passage of Rowlatt Bill (1919); opposed Gandhi's Non-Co-operation Movement; elected to Indian Legislative Assembly (1923, 1927, 1934–1947); boycotted Simon Commission in protest against its all-white character (1927); criticised Nehru Report and presented Muslim demands for incorporation in the Report (1928); presented his Fourteen Points (Delhi 1929); represented Muslims at Round Table Conference (1930); elected President of reunited League (1934); presided over the League session at Lucknow (1937), where the League's goal was changed from Dominion status to complete independence; presided over Sind Muslim League Conference, Karachi, which demanded partition of India into two federations, Muslim and non-Muslim (1938); called for the celebration of "Deliverance Day" (22 Dec. 1939) on the termination of Congress rule in the provinces; presided over League's Lahore session which passed the resolution (later known as the Pakistan resolution), demanding division of India (March 1940); rejected Cripps proposals (1942); parleyed with Gandhi (1944); attended first Simla Conference (June 1945), and upon its failure, demanded general elections to prove League's claim to sole spokesmanship of Muslims; secured overwhelming majorities in elections throughout India, and called the League Legislators' Convention to reaffirm Muslim resolve to achieve Pakistan; accepted Cabinet Mission Plan (June 1946) and later rejected it (July 1946) because of Congress reservations on the grouping clause which had induced League to accept the plan, and announced launching of Direct Action to wrest Pakistan; held parleys with Viceroy (Oct. 1946) on which basis League joined Interim Government, but stuck to its earlier decision to boycott Constituent Assembly; attend-

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ed London Conference (Dec. 1946) which upheld his stance on the grouping clause; held parleys with Mountbatten, the last Viceroy on the Pakistan demand (April–June 1947); accepted HMG's 3 June Plan stipulating partition of India; officially conferred the title of the Quaid-i-Azam by the Constituent Assembly of Pakistan (August, 1947); sworn in as Governor-General of Pakistan (15 August, 1947); toured various provinces and secured Pakistan's survival in extremely treacherous circumstances; died 11 September, 1948 122, 122n, 124, 133, 137, 229, 255, 263, 264, 299, 353–355, 434, 493, 608

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Muhammad Shafi 480, 480n, 599, 600

Muhammad Zafrullah Khan, Sir (1893–), politician, diplomat and international jurist; educated at Government College, Lahore and King's College, London; delegate to the R.T.C. (1930–32); President, All India Muslim League (1931-32); Member, Viceroy's Executive Council (1935–40); Judge, Federal Court of India (1941–47); argued the Muslim League case before the Punjab Boundary Commission (July 1947); Foreign Minister, Pakistan (1947–54); Member, I.C.J. (1954–61); President, U.N. General Assembly (1962-63); Member, I.C.J. (1964–69) and its President (1970); author of *Islam: Its Meaning for Modern Man* (1962), *Tahdis-i-Nimat* (1971) 4, 5, 30, 51, 53, 59, 60, 61, 70, 75, 93, 94, 102, 127, 130, 135, 140, 141, 155, 181, 182, 186, 211, 215, 218–220, 226, 227, 240, 252, 256, 268, 272, 275, 276, 279, 283–285, 287, 291, 294, 295, 298–301, 303–305, 309, 311, 317, 330–332, 336–338, 341–343, 345, 346, 348, 355–358, 361, 362, 364, 366, 368, 370, 384, 385, 389, 393, 396, 397, 400, 403, 408, 410, 411, 422–424, 429, 430, 434–438, 441, 442, 444, 445, 449–456, 461–464, 468, 472, 473, 477, 480, 486, 487, 489, 494, 497, 498, 520, 521, 524, 527–532, 537, 552–558, 560, 568–572, 574, 575, 577, 578, 581, 590

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Mumtaz Muhammad Daultana, Mian (1916–), educated at Lahore and Oxford; called to the Bar, Middle Temple (1940); Member, Punjab Legislative Assembly (1943–46 and 1946–49); General Secretary, Punjab Muslim League (1944–47); Secretary, All India Muslim League Central Committee of Action (1945); Member, Constituent Assembly of Pakistan (1947–56); Finance Minister, Punjab (1947-48); President, Punjab Muslim League (1948–50); Chief Minister, Punjab (1951–53); Finance Minister, West Pakistan (1955-56); Defence Minister, Pakistan (1957); President, Pakistan Muslim League (1967–72); Member, National Assembly of Pakistan (1970–72); Ambassador of Pakistan to U.K. (1972–78); author of *Agrarian Report of Pakistan Muslim League* (1950), *Thoughts on Pakistan's Foreign Policy* (1956), *Kashmir in Present Day Context* (1965) 491, 608

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Nanak, Guru (1469–1539), founder and the first Guru of the Sikh

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religion; gained a general knowledge of Quran and Brahmanical Shastras in his early life; preached universal tolerance and the unity of God through devotional hymns 98, 167–169, 175, 182, 242, 249, 329, 489, 604n
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Napier, Robert, Colonel–afterwards Baron of Magdala– (1810–1890), British field marshal who had a distinguished military and civil engineering career in India and commanded expeditions to Abyssinia and China; commander-in-chief in India (1870–76); Governor of Gibraltar (1876–82) 50
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O' Dwyer, Sir Michael (1864–1940), I.C.S., Lt. Governor, Punjab (1913–19); blamed by Indian nationalists for repression in the Province; shot dead by an Indian terrorist in London to avenge the tragedy of Jallianwala Bagh, Amritsar (1919) 183
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Poros (Porus) Raja (fl. 4th century B.C.), ruled the territory between Jhelum and the Chenab; resisted Alexander (q.v.) and was defeated but accorded honourable treatment by the conqueror due to his courage and spirit; also allowed to retain his kingdom which he held as a Macedonian subordinate ruler till his assassination sometime between 321 and 315 B.C. 321
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Rallia Ram, B. L. 197, 220, 221
Ramdas, Guru (1524–81), the fourth Sikh Guru who succeeded (1574) his father-in-law and the third Guru viz. Amar Das (q.v.); founded (1577) the famous reservoir later known as Amritsar on a piece of land received from the emperor

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Ram Rai, eldest son of Guru Har Rai (q.v.); sent by his father as an emissary to the Mughal capital at Delhi, where he won the confidence of Aurangzeb (q.v.) but incurred the displeasure and distrust of his father who nominated his younger son Hari Krishan as his successor; recognised, however, by some Sikhs as the rightful Guru; a few gurdwaras still maintained by the Ram Raiyas in Dehra Dun (U.P.) 339, 340
Ranjit Singh, Maharaja (1780–1839), founder of the Sikh kingdom in the Punjab whose military exploits against the Afghans, won him the title of the Lion of the Punjab; succeeded his father Mahan Singh (q.v.); appointed Governor of Lahore by Shah Zaman, its Afghan conqueror in recognition of services rendered in transporting his cannon across the Jhelum (1799); organized a large trained army of Sikhs and extended his rule from Peshawar to Sutlej, captured Amritsar (1805), Kangra (1811), Attock (1813), Multan (1818), Kashmir (1819) and Peshawar (1834); concluded treaties of friendship with the British (1809, 1831) and remained their ally 99, 116, 117, 151, 159, 160, 163, 167, 167n, 171, 243, 444, 559
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Setalvad, M. C., Indian lawyer; appeared before the Punjab Boundary Commission as Chief Counsel for the Congress (July, 1947); later the Attorney General of India; represented India in the Security Council in Kashmir case (1947) 1, 3n, 4, 5, 14–17, 20, 21, 23, 24, 26, 27, 30, 31, 33, 34, 37n, 39, 40, 40n, 41–47, 49, 51–54, 57–61, 63–73, 75–78, 80, 85, 89–96, 98, 100–103, 105, 108–110, 114, 118, 123, 126, 129, 131, 157, 159, 168, 170, 171, 179, 184, 186, 188, 189, 193, 210–217, 226, 275, 278, 281, 283, 284, 304, 322, 396, 414, 435, 441, 455, 464, 475, 477, 495, 497, 509, 512, 517, 519, 520, 524 527–534, 536–538, 546, 610, 624
Shah Jahan, Shahab-ud-Din Muhammad (1592–1666), fifth Mughal emperor of India (1628–57/58); built the Taj Mahal (1632–49) and the Red Fort in Shah Jahanabad (Delhi) where he transferred his capital (1648); his illness in 1657 sparked the War of Succession among his sons and the victorious Aurangzeb (q.v.) captured Agra (1658) where he confined Shah Jahan in the Fort (1658); considered orthodox but known for his patronage of art and architecture 339, 417, 558
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Singha, Dewan Bahadur S.P., eminent Christian leader; long time Registrar, Punjab University; Speaker, Punjab Legislative Assembly (1946-47); argued the Christian's case before the Punjab Boundary Commission supporting the League view (July 1947) 112, 154, 196, 198, 220, 226, 227, 230, 235, 290, 491–494
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Tara Singh, Master (1885–1967), Akali leader who vehemently opposed inclusion of the Punjab in Pakistan; later best known as an agitator for a Punjabi Suba (State); discredited after he broke his 48-day fast which he started at the Golden Temple to force the Indian Government to concede the Punjabi Suba demand (1961) 53, 322, 348–352, 356, 357, 489, 490, 607
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